

ONTARIO

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3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Labour Relations Act

MR. PARK

118091

1008 11

EXPLANATORY NOTE

The proposed new section provides for the voluntary revocable check-off of union dues.

1008 11

No. 89

1951

BILL

An Act to amend The Labour Relations Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following section: Rev. Stat.,
c. 194,
amended.

9a. Upon the request of a trade union certified under this Act as bargaining agent of a unit of employees and upon receipt of a request in writing signed by any employee in such unit, the employer shall, until the employee in writing withdraws such request, periodically deduct and pay out of the wages due to such employee, to the person designated by the trade union to receive the same, the union dues of such employee, and the employer shall furnish to such trade union the names of the employees who have given and withdrawn such authority. Voluntary
revocable
check-off
of union
dues.

2. This Act may be cited as *The Labour Relations Amendment Act, 1951.* Short title.

BILL

An Act to amend The Labour
Relations Act

1st Reading

February 14th, 1951

2nd Reading

3rd Reading

MR. PARK

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to promote Fair Employment Practices in Ontario

MR. FROST

EXPLANATORY NOTE

This bill proposes a new Act. Its provisions are self explanatory.

No. 90

1951

BILL

An Act to promote Fair Employment Practices in Ontario

WHEREAS it is contrary to public policy in Ontario to ^{Preamble.} discriminate against men and women in respect of their employment because of race, creed, colour, nationality, ancestry or place of origin; whereas it is desirable to enact a measure designed to promote observance of this principle; and whereas to do so is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means the Ontario Labour Relations Board;
- (b) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means Minister of Labour;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes employ- <sup>Rev. Stat.,
c. 184.</sup> ment agency, employers' organization and trade union;
- (f) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Exceptions
from appli-
cation of
Act.

2. This Act does not apply,

- (a) to any domestic employed in a private home;
- (b) to any exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;
- (c) to any employer who employs less than five employees.

Employers
not to dis-
criminate
in employ-
ment
practices.

3. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Employment
applications
and adver-
tisements
not to dis-
criminate.

4. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of any person.

Conciliation
officer,
appoint-
ment;

5.—(1) The Minister shall on the request of the Board designate a conciliation officer to inquire into any complaint that any person has been refused employment, discharged or discriminated against contrary to section 3, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 4.

duties;

(2) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

report.

(3) The conciliation officer shall report the results of his inquiry and endeavours to the Board.

Commis-
sioner,
appoint-
ment;

6.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister shall on the request of the Board appoint a commissioner and shall forthwith communicate the name of the commissioner to the parties and thereupon it shall be presumed conclusively that the commissioner was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition,

quo warranto or otherwise to question the appointment of the commissioner, or to review, prohibit or restrain any of his proceedings.

(2) The commissioner shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*. ^{powers; Rev. Stat., c. 194.}

(3) The commissioner shall give the parties full opportunity ^{duties;} to present evidence and to make submissions and if he finds that the complaint is supported by the evidence he shall recommend to the Board the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

(4) After a commissioner has made his recommendations, the Board may direct him to clarify or amplify any of his ^{clarification of recommendations;} recommendations and they shall not be deemed to have been received by the Board until they have been so clarified or amplified.

(5) The Board shall issue whatever order it deems necessary ^{Board's order;} to carry the recommendations of the commissioner into effect and the order shall be final and shall be complied with in accordance with its terms.

(6) A commissioner shall be remunerated for his services ^{remuneration.} at the same rate as the chairman of a conciliation board appointed under *The Labour Relations Act*.

7.—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act is ^{Offences and penalties.} guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than \$50;
or

(b) if a corporation, trade union, employers' organization or employment agency, to a penalty of not more than \$100.

(2) Every penalty recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form ^{Disposition of penalties.} part of the Consolidated Revenue Fund.

8. A prosecution for an offence under this Act may be ^{Style of prosecutions.} instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority

to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Consent to
prosecution.

9.—(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

Idem.

(2) The Board shall not grant such consent if it is satisfied that the act complained of was done in good faith solely for the purpose of preserving the security of Canada or any part thereof or of any state allied or associated with Canada in connection with any national emergency or any war, invasion or insurrection, real or apprehended.

Short title.

10. This Act may be cited as *The Fair Employment Practices Act, 1951*.

BILL

An Act to promote Fair Employment
Practices in Ontario

1st Reading

February 15th, 1951

2nd Reading

3rd Reading

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Natural Gas Conservation Act

MR. GEMMELL

EXPLANATORY NOTE

This amendment is self-explanatory.

No. 91

1951

BILL

An Act to amend The Natural Gas Conservation Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Natural Gas Conservation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 251, s. 4,
amended.

- (2) If the owner of any petroleum or natural gas rights within any portion of an area designated as a gas storage area and the person storing or proposing to store gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store gas, the judge of the county or district court of the county or district in which the gas storage area is situate, on the application of either party, may determine the matter in dispute, and the decision of the judge thereon shall be final and conclusive. Reference
to judge.

2. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1951*. Short title.

BILL

An Act to amend The Natural Gas
Conservation Act

1st Reading

February 15th, 1951

2nd Reading

3rd Reading

MR. GEMMELL

No. 91

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Natural Gas Conservation Act

MR. GEMMELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Natural Gas Conservation Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Natural Gas Conservation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 4, amended.

- (2) If the owner of any petroleum or natural gas rights within any portion of an area designated as a gas storage area and the person storing or proposing to store gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store gas, the judge of the county or district court of any county or district in which any part of the gas storage area is situate, on the application of either party, may determine the matter in dispute, and the decision of the judge thereon shall be final and conclusive. Reference to judge.

2. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1951*. Short title.

BILL

An Act to amend The Natural Gas
Conservation Act

1st Reading

February 15th, 1951

2nd Reading

February 23rd, 1951

3rd Reading

March 6th, 1951

MR. GEMMELL

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Factory, Shop and Office Building Act

MR. GORDON

EXPLANATORY NOTE

This amendment will require a municipal council, on petition of three-quarters of the occupiers of the shops affected in the municipality, to provide for a full-day closing for that class of shop in each week. At present the petition and by-law can require closing only from 12.30 noon on the weekly holiday.

BILL

An Act to amend The Factory, Shop and Office Building Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 83 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 126, s. 83, subs. 5, re-enacted.

- (5) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which the application relates, the council shall, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed, during such periods of the year as are named in the application, on one particular day of the week, Compulsory closing of shops for weekly holiday.
- (a) during the whole of such day and until such time not later than five of the clock of the forenoon of the next following day, as the application requests; or
- (b) during such time or hours between twelve-thirty o'clock noon and five of the clock of the forenoon of the next following day, as the application requests.

2. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1951*. Short title.

BILL

An Act to amend The Factory, Shop
and Office Building Act

1st Reading

February 16th, 1951

2nd Reading

3rd Reading

MR. GORDON

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Factory, Shop and Office Building Act

MR. GORDON

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTE

This amendment will permit a municipal council, on petition of three-quarters of the occupiers of the shops affected in the municipality, to provide for a full-day closing for that class of shop in each week.

No. 92

1951

BILL

An Act to amend The Factory, Shop and Office Building Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 83 of *The Factory, Shop and Office Building Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 126, s. 83,
amended.

- (5a) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which the application relates, the council may, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed, during such periods of the year as are named in the application, on one particular day of the week during the whole of such day and until such time not later than five of the clock of the forenoon of the next following day, as the application requests. Closing of
shops for
weekly holi-
day.

2. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1951*. Short title.

BILL

An Act to amend The Factory, Shop
and Office Building Act

1st Reading

February 16th, 1951

2nd Reading

3rd Reading

MR. GORDON

*(Reprinted as amended by the Committee on
Municipal Law)*

No. 92

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Factory, Shop and Office Building Act

MR. GORDON

TORONTO
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BILL

An Act to amend The Factory, Shop and Office Building Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 83 of *The Factory, Shop and Office Building Act* Rev. Stat., c. 126, s. 83, amended. is amended by adding thereto the following subsection:

- (5a) If an application is presented to the council of a city, town or village praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality and the council is satisfied that the application is signed by not less than three-quarters in number of the occupiers of shops within the municipality belonging to the class to which the application relates, the council may, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed, during such periods of the year as are named in the application, on one particular day of the week during the whole of such day and until such time not later than five of the clock of the forenoon of the next following day, as the application requests. Closing of shops for weekly holiday.

2. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1951.* Short title.

BILL

An Act to amend The Factory, Shop
and Office Building Act

1st Reading

February 16th, 1951

2nd Reading

April 2nd, 1951

3rd Reading

April 5th, 1951

MR. GORDON

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Highway Improvement Act

MR. DOUCETT

EXPLANATORY NOTES

SECTION 1. The amendment provides that in the cases specified the cost of maintaining a sanitary or storm sewer or drain is to be dealt with in the same way as the cost of constructing the same and is not to be included in the statement of expenditures for the purpose of determining the grant payable to the local municipality.

SECTION 2. Towns and villages not separated from the county are subject to an annual general levy for county road purposes and thereby contribute to the construction and maintenance of county roads. In some cases there are no county roads within these municipalities and consequently they do not receive any direct benefit from the expenditure of county road funds. The amendment ensures that they will receive a share of the benefits from such expenditures by requiring the county to contribute towards the cost of road improvements in such towns and villages in two ways, namely,

- (a) under agreement an amount equivalent to the cost of maintaining a strip of roadway 22 feet in width on county road extensions or connecting links; and
- (b) an additional amount, not less than 25% of the county road levy, to be applied to the construction and maintenance of other streets.

The provisions of the present section 28 relating to agreements for the construction of county road extensions and connecting links are retained but are modified to bring them into line with present construction standards and to make them more workable in practice.

BILL

An Act to amend The Highway Improvement Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 13 of section 27 of *The Highway Improvement Act* is amended by inserting after the word "constructing" in the twelfth line the words "or maintaining", so that the subsection shall read as follows:

Rev. Stat.,
c. 166, s. 27,
subs. 13,
amended.

- (13) Where the Minister has approved an agreement under this section the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement.

Subsidy to
local munici-
pality.

2. Section 28 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 166, s. 28,
re-enacted.

- 28.—(1) Where a street in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, the council of the county shall enter into agreement with the council of the urban municipality, in such form as the Minister may prescribe or approve, for the main-

Agreement
between
county and
urban munici-
pality re
county road
extensions,
etc.

tenance and repair of such street, and, if it is in the public interest that such street be constructed or rebuilt, for the construction or rebuilding thereof.

Where
councils
fail to
agree.

- (2) Where the council of the county and the council of the urban municipality are unable to agree whether it is in the public interest that such street be constructed or rebuilt, the Minister shall decide the issue and his decision shall be final.

Idem.

- (3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Approval by
Minister.

- (4) The agreement duly executed by both parties shall be submitted in triplicate to the Minister for approval and shall not have any force or effect unless approved in writing by the Minister.

Either party
may do
work.

- (5) The agreement shall indicate the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work.

How con-
struction
cost to
be borne.

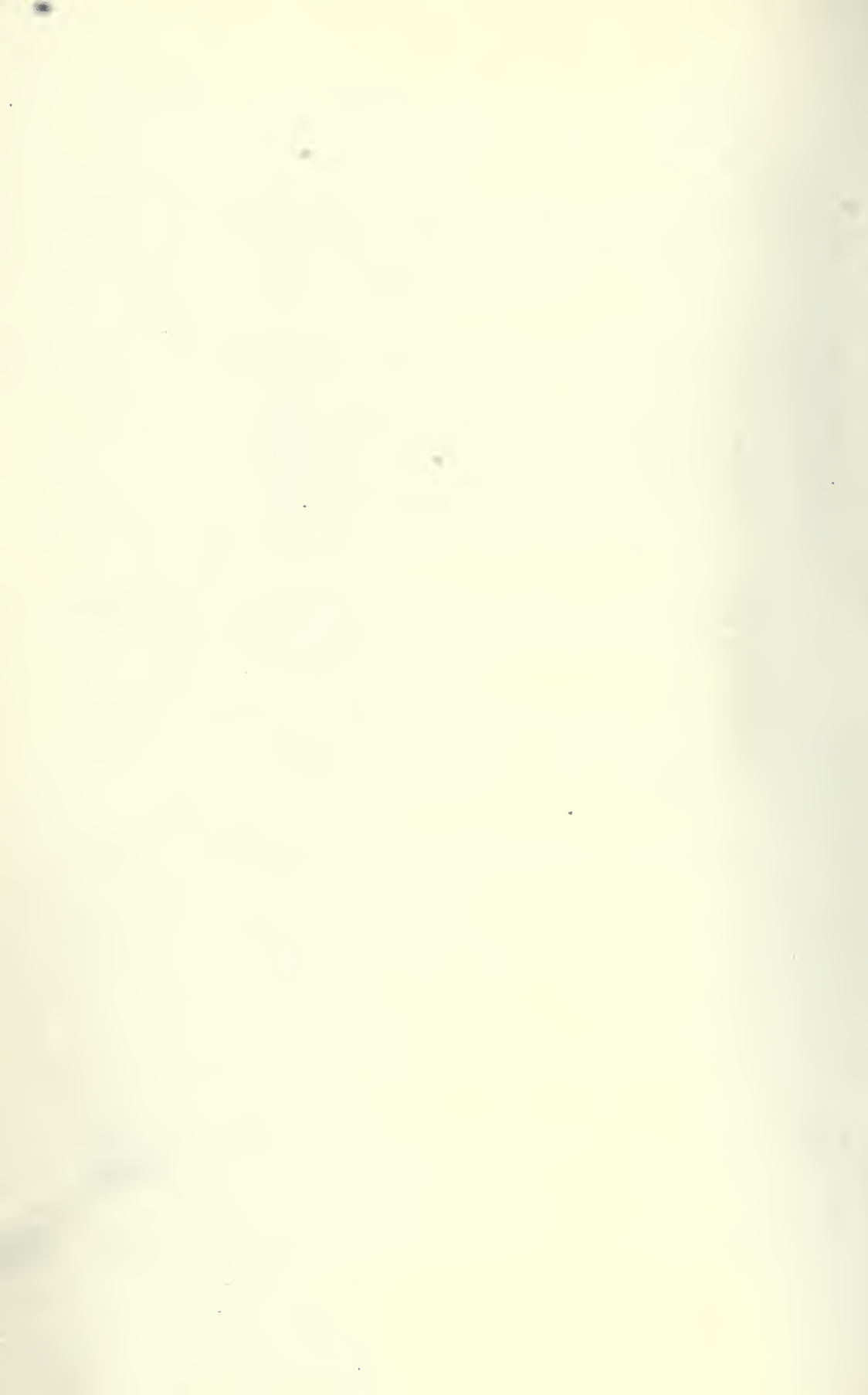
- (6) In the case of the construction of a pavement 22 feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction.

Idem, in
case of
wider
pavement.

- (7) In the case of the construction of a pavement wider than 22 feet, the agreement shall provide that the county is to pay that part of the total cost of such construction which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement 22 feet in width bears to the total area of such pavement or such approximation to that proportion as may be mutually agreed upon.

Idem, in
case of
widening
existing
pavement.

- (8) Where there is an existing pavement less than 22 feet in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement which bears the same proportion to such total cost as the area of that part



of such additional width which together with the existing pavement would provide a total paved width of 22 feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be mutually agreed upon.

- (9) The total cost mentioned in subsections 6, 7 and 8 shall include the cost of any necessary grading, shouldering, under-drainage or base construction, but shall not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality. Total cost, what to include.
- (10) In the case of the maintenance and repair of a pavement or roadway 22 feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance and repair. How maintenance cost to be borne.
- (11) In the case of the maintenance and repair of a pavement or roadway wider than 22 feet, the agreement shall provide that the county is to pay that part of the total cost of such maintenance and repair which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway 22 feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be mutually agreed upon. Idem, in case of wider roadway.
- (12) The total cost mentioned in subsections 10 and 11 shall include the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but shall not include the cost of the maintenance and repair of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality. Total cost, what to include.
- (13) Where any portion of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and in determining the cost of construction or maintenance which is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereon, shall be excluded from the total cost and the area of such cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. In case of street railway.

Subsidy
to county.

- (14) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the Fund, be included in the statement of expenditures submitted to the Minister by the county under this Act.

Subsidy to
urban
municipality.

- (15) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway, including the construction and maintenance and repair of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act, but the cost of constructing and maintaining any sanitary or storm sewer or drain shall not be included in such statement.

Construction
or main-
tenance of
culvert or
bridge, how
cost to be
borne.

- (16) In the case of the construction or maintenance and repair of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction of the council of the urban municipality, the agreement shall provide that the cost of such construction or maintenance and repair, exclusive of any part thereof which is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne and paid 50 per cent by the county and 50 per cent by the urban municipality.

Subsidy to
county.

- (17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Subsidy to
urban municipality.

- (18) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the urban municipality, exclusive of any part thereof which is incurred to provide for



sidewalks, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act.

- (19) Any street which is constructed, rebuilt or maintained under this section shall remain under the jurisdiction of the council of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction or rebuilding, and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act* or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. Jurisdiction.
Rev. Stat.,
cc. 243, 215.

28a.—(1) In addition to any amount which the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 27, and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 28, the county shall in the same year make a contribution towards the construction, improvement, maintenance and repair of other roads or streets in such urban municipality. County to
make con-
tribution
towards
other streets
in urban
municipality.

- (2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality which is properly chargeable to road improvement under Part VII, or a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms. Form of
contribution.
- (3) Such contribution shall not be less in total value than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 11, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other streets in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed. Minimum
contribution.

How to be paid.

- (4) Where in any year such contribution or any part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November of that year, submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other streets by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year.

Subsidy to county.

- (5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Agreement may exempt county from this section.

- (6) Any agreement for the construction or rebuilding of a county road extension or connecting link under section 28 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section shall not apply.

Rev. Stat., c. 166, s. 36, subs. 3, amended.

3. Subsection 3 of section 36 of *The Highway Improvement Act* is amended by striking out the words "shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "by by-law appropriates", so that the subsection shall read as follows:

Limit of contribution by city or town.

- (3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

SECTION 3. The county and the city or town contribute equal amounts for the construction and maintenance of suburban roads. In most cases the one-half mill contribution by the city or town is sufficient, but in a few cases, because of relatively low assessment, it is not sufficient to provide the funds necessary to maintain an adequate system of suburban roads. The amendment makes it easier for the city or town to provide the necessary funds by eliminating the requirement of a two-thirds vote of the council of the city or town.

SECTION 4. The section repealed provides that the Minister may require a town or village not separated from the county to make the necessary expenditure to keep a county road extension or connecting link within the town or village in a proper state of repair. This requirement is no longer necessary because the maintenance of these streets will now be taken care of as provided by section 2 of this bill.

The section substituted authorizes payment of the highway subsidy to a city, town or village on the amount of aid granted by it to a township under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* which provides that "by-laws may be passed by the councils of cities, towns and villages for granting aid to the corporation of a township in the county in which the city, town or village is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute, or forms or is to form part of a highway leading to such city, town or village, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway."

SECTION 5—Subsection 1. The purpose of this amendment is to make it clear that a person who is ordered to remove or alter a building, fence, etc., or to close up an entranceway or gate which was constructed before the 24th day of March, 1950, and which does not comply with section 93 of the present Act, and who complies with the order is entitled to compensation in the manner and to the extent specified.

Subsection 2. The restrictions regarding buildings, gas pumps and signs which apply to the King's Highways generally are extended to development roads.

4. Section 63 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 166, s. 63, re-enacted.

63. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* the council of a city, town or village grants aid to the corporation of a township towards the construction or maintenance of a township road in such township, the amount of aid so granted shall be deemed to be properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. Aid granted to township by city, town or village to be subsidized.

5.—(1) Section 93 of *The Highway Improvement Act* is amended by adding thereto the following subsections: Rev. Stat., c. 166, s. 93, amended.

(9a) Where a person to whom a notice has been given under subsection 4 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon by him and the Minister or he may give notice in writing to the Minister that he requires the amount of the compensation to be determined by arbitration under *The Public Works Act* in which event the provisions of that Act for determining the amount of compensation by arbitration in the case of land injuriously affected shall apply, and the notice given under subsection 4 shall be deemed to be the notice mentioned in section 23 of that Act and shall, for the purposes of section 24 of that Act, be deemed to have been duly given. Compensation. Rev. Stat., c. 323.

(9b) Any increase in the value of the land due to the establishment of the controlled access highway shall be disregarded in determining the amount of compensation under subsection 9a. Idem.

(9c) No compensation shall be allowed under subsection 9a if that which was removed, altered or closed up did not comply with *The Highway Improvement Act* and the regulations thereunder on the 23rd day of March, 1950. Idem. R. S. O. 1937, c. 56.

(2) Subsection 10 of the said section 93 is amended by adding at the end thereof the words "and to development roads", so that the subsection shall read as follows: Rev. Stat., c. 166, s. 93, subs. 10, amended.

(10) This section, except clauses *b*, *e* and *f* of subsection 1, shall apply *mutatis mutandis* to the other portions of the King's Highway and to development roads. Buildings, gas pumps and signs on the King's Highway and development roads.

6.—(1) This Act, except sections 1, 2, 3 and 4, shall come into force on the day it receives the Royal Assent. Commencement.

Idem. (2) Sections 1, 2, 3 and 4 shall be deemed to have come into force on the 1st day of January, 1951.

Short title. 7. This Act may be cited as *The Highway Improvement Amendment Act, 1951*.

BILL

An Act to amend The Highway
Improvement Act

1st Reading

February 16th, 1951

2nd Reading

3rd Reading

MR. DOUCETT

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Highway Improvement Act

MR. DOUCETT



BILL

An Act to amend The Highway Improvement Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 13 of section 27 of *The Highway Improvement Act* is amended by inserting after the word "constructing" in the twelfth line the words "or maintaining", so that the subsection shall read as follows:

Rev. Stat.,
c. 166, s. 27,
subs. 13,
amended.

- (13) Where the Minister has approved an agreement under this section the cost of the widening of the road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement.

Subsidy to
local munici-
pality.

2. Section 28 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 166, s. 28,
re-enacted.

- 28.—(1) Where a street in an urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, the council of the county shall enter into agreement with the council of the urban municipality, in such form as the Minister may prescribe or approve, for the main-

Agreement
between
county and
urban munici-
pality re
county road
extensions,
etc.

tenance and repair of such street, and, if it is in the public interest that such street be constructed or rebuilt, for the construction or rebuilding thereof.

Where
councils
fail to
agree.

- (2) Where the council of the county and the council of the urban municipality are unable to agree whether it is in the public interest that such street be constructed or rebuilt, the Minister shall decide the issue and his decision shall be final.

Idem.

- (3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Approval by
Minister.

- (4) The agreement duly executed by both parties shall be submitted in triplicate to the Minister for approval and shall not have any force or effect unless approved in writing by the Minister.

Either party
may do
work.

- (5) The agreement shall indicate the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work.

How con-
struction
cost to
be borne.

- (6) In the case of the construction of a pavement 22 feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction.

Idem, in
case of
wider
pavement.

- (7) In the case of the construction of a pavement wider than 22 feet, the agreement shall provide that the county is to pay that part of the total cost of such construction which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement 22 feet in width bears to the total area of such pavement or such approximation to that proportion as may be mutually agreed upon.

Idem, in
case of
widening
existing
pavement.

- (8) Where there is an existing pavement less than 22 feet in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement which bears the same proportion to such total cost as the area of that part

of such additional width which together with the existing pavement would provide a total paved width of 22 feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be mutually agreed upon.

- (9) The total cost mentioned in subsections 6, 7 and 8 shall include the cost of any necessary grading, shouldering, under-drainage or base construction, but shall not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality. ^{Total cost, what to include.}
- (10) In the case of the maintenance and repair of a pavement or roadway 22 feet or less in width, the agreement shall provide that the county is to pay the total cost of such maintenance and repair. ^{How maintenance cost to be borne.}
- (11) In the case of the maintenance and repair of a pavement or roadway wider than 22 feet, the agreement shall provide that the county is to pay that part of the total cost of such maintenance and repair which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway 22 feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be mutually agreed upon. ^{Idem, in case of wider roadway.}
- (12) The total cost mentioned in subsections 10 and 11 shall include the cost of the removal of snow and the application of chemicals and abrasives and the removal thereof, but shall not include the cost of the maintenance and repair of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality. ^{Total cost, what to include.}
- (13) Where any portion of the pavement or roadway is occupied by the track allowance of a street railway, then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and in determining the cost of construction or maintenance which is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereon, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway. ^{In case of street railway.}

Subsidy
to county.

- (14) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the Fund, be included in the statement of expenditures submitted to the Minister by the county under this Act.

Subsidy to
urban
municipality.

- (15) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway, including the construction and maintenance and repair of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act, but the cost of constructing and maintaining any sanitary or storm sewer or drain shall not be included in such statement.

Construction
or main-
tenance of
culvert or
bridge, how
cost to be
borne.

- (16) In the case of the construction or maintenance and repair of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction of the council of the urban municipality, the agreement shall provide that the cost of such construction or maintenance and repair, exclusive of any part thereof which is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne and paid 50 per cent by the county and 50 per cent by the urban municipality.

Subsidy to
county.

- (17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Subsidy to
urban municipality.

- (18) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the urban municipality, exclusive of any part thereof which is incurred to provide for

sidewalks, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act.

- (19) Any street which is constructed, rebuilt or maintained under this section shall remain under the jurisdiction of the council of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction or rebuilding, and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act* or such share may be assessed under *The Local Improvement Act* according to the report of an engineer. Jurisdiction.
Rev. Stat.,
cc. 243, 215.

28a.—(1) In addition to any amount which the county may expend in any year on county roads in an urban municipality not separated from the county either directly or pursuant to an agreement under section 27, and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 28, the county shall in the same year make a contribution towards the construction, improvement, maintenance and repair of other roads or streets in such urban municipality. County to
make con-
tribution
towards
other streets
in urban
municipality.

- (2) Such contribution may be in the form of work carried out by the county at the request of the urban municipality which is properly chargeable to road improvement under Part VII, or a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms. Form of
contribution.

- (3) Such contribution shall not be less in total value than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 11, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other streets in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed. Minimum
contribution.

How to be
paid.

- (4) Where in any year such contribution or any part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November of that year, submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other streets by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year.

Subsidy to
county.

- (5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Agreement
may exempt
county from
this section.

- (6) Any agreement for the construction or rebuilding of a county road extension or connecting link under section 28 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section shall not apply.

Rev. Stat.,
c. 166, s. 36,
subs. 3,
amended.

3. Subsection 3 of section 36 of *The Highway Improvement Act* is amended by striking out the words "shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "by by-law appropriates", so that the subsection shall read as follows:

Limit of
contribution
by city or
town.

- (3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

4. Section 63 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 166, s. 63, re-enacted.

63. Where under paragraph 3 of subsection 1 of section 478 of *The Municipal Act* the council of a city, town or village grants aid to the corporation of a township towards the construction or maintenance of a township road in such township, the amount of aid so granted shall be deemed to be properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part. Aid granted to township by city, town or village to be subsidized.

5.—(1) Section 93 of *The Highway Improvement Act* is amended by adding thereto the following subsections: Rev. Stat., c. 166, s. 93, amended.

(9a) Where a person to whom a notice has been given under subsection 4 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon by him and the Minister or he may give notice in writing to the Minister that he requires the amount of the compensation to be determined by arbitration under *The Public Works Act* in which event the provisions of that Act for determining the amount of compensation by arbitration in the case of land injuriously affected shall apply, and the notice given under subsection 4 shall be deemed to be the notice mentioned in section 23 of that Act and shall, for the purposes of section 24 of that Act, be deemed to have been duly given. Compensation. Rev. Stat., c. 323.

(9b) Any increase in the value of the land due to the establishment of the controlled access highway shall be disregarded in determining the amount of compensation under subsection 9a. Idem.

(9c) No compensation shall be allowed under subsection 9a if that which was removed, altered or closed up did not comply with *The Highway Improvement Act* and the regulations thereunder on the 23rd day of March, 1950. Idem. R. S. O. 1937, c. 56.

(2) Subsection 10 of the said section 93 is amended by adding at the end thereof the words "and to development roads", so that the subsection shall read as follows: Rev. Stat., c. 166, s. 93, subs. 10, amended.

(10) This section, except clauses *b*, *e* and *f* of subsection 1, shall apply *mutatis mutandis* to the other portions of the King's Highway and to development roads. Buildings, gas pumps and signs on the King's Highway and development roads.

6.—(1) This Act, except sections 1, 2, 3 and 4, shall come into force on the day it receives the Royal Assent. Commencement.

Idem. (2) Sections 1, 2, 3 and 4 shall be deemed to have come into force on the 1st day of January, 1951.

Short title. 7. This Act may be cited as *The Highway Improvement Amendment Act, 1951*.

BILL

An Act to amend The Highway
Improvement Act

1st Reading

February 16th, 1951

2nd Reading

March 20th, 1951

3rd Reading

March 27th, 1951

MR. DOUCETT

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Municipal Act

MR. HARVEY (Sault Ste. Marie)

EXPLANATORY NOTE

The section amended authorizes cities having a population of 100,000 or more to pass smoke-control by-laws. The amendment extends that power to all cities.

No. 94

1951

BILL

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 399 of *The Municipal Act* is ^{Rev. Stat.,} amended by striking out the words and figures "having a ^{C. 243, s. 399,} population of not less than 100,000" in the second line, so ^{subs. 1,} that the subsection, exclusive of the paragraphs, shall read ^{amended.} as follows:

(1) By-laws may be passed by the councils of cities:

.

2. This Act may be cited as *The Municipal Amendment Act*, Short title. 1951.

BILL

An Act to amend The Municipal Act

1st Reading

February 19th, 1951

2nd Reading

3rd Reading

Mr. HARVEY (Sault Ste. Marie)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Police Act

MR. PORTER

EXPLANATORY NOTES

SECTION 1. The words are deleted in order to avoid any possibility of conflict with any regulation made with respect to suspension or dismissal under the amended clause *a* of subsection 1 of section 60 of the Act (see section 5 of this Bill).

SECTION 2. The words are deleted as being unnecessary as the section provides that the board's regulations must not be inconsistent with the regulations made under section 60 by the Lieutenant-Governor in Council.

SECTION 3. The provision repealed reads:

25. Where there is no board, any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge.

Hereafter suspension will be dealt with by regulation under the amended clause *a* of subsection 1 of section 60 of the Act (see section 5 of this Bill).

SECTION 4. Self explanatory.

BILL

An Act to amend The Police Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Police Act* is amended by striking out the words "and hold office during the pleasure of" in the second and third lines, so that the section shall read as follows: Rev. Stat., c. 279, s. 13, amended.

13. The members of the police force in a municipality having a board shall be appointed by the board. Term of office.

2. Section 14 of *The Police Act* is amended by striking out the words "Subject to the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the section shall read as follows: Rev. Stat., c. 279, s. 14, amended.

14. Any board may by by-law make regulations not inconsistent with regulations under section 60 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. Regulations by board.

3. Section 25 of *The Police Act* is repealed.

Rev. Stat., c. 279, s. 25, repealed.

4. Subsection 1 of section 51 of *The Police Act* is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the word "Attorney-General", so that the subsection shall read as follows: Rev. Stat., c. 279, s. 51, subs. 1, amended.

(1) Subject to the approval of the Attorney-General, the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. Agreement for provincial police to police municipalities.

Rev. Stat.,
c. 279, s. 60,
subs. 1, cl. a;
amended.

5. Clause *a* of subsection 1 of section 60 of *The Police Act* is amended by striking out the words "conduct and duties" in the second line and inserting in lieu thereof the words "conduct, duties, suspension and dismissal", so that the clause shall read as follows:

(*a*) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces;

.

Commence-
ment.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Police Amendment Act, 1951*.

SECTION 5. The clause as amended will enable the Lieutenant-Governor in Council to make regulations with respect to the suspension and dismissal of members of police forces.



BILL

An Act to amend The Police Act

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Police Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Police Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Police Act* is amended by striking out the words "and hold office during the pleasure of" in the second and third lines, so that the section shall read as follows: Rev. Stat., c. 279, s. 13, amended.

13. The members of the police force in a municipality having a board shall be appointed by the board. Term of office.

2. Section 14 of *The Police Act* is amended by striking out the words "Subject to the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the section shall read as follows: Rev. Stat., c. 279, s. 14, amended.

14. Any board may by by-law make regulations not inconsistent with regulations under section 60 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. Regulations by board.

3. Section 25 of *The Police Act* is repealed. Rev. Stat., c. 279, s. 25, repealed.

4. Subsection 1 of section 51 of *The Police Act* is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the word "Attorney-General", so that the subsection shall read as follows: Rev. Stat., c. 279, s. 51, subs. 1, amended.

(1) Subject to the approval of the Attorney-General, the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. Agreement for provincial police to police municipalities.

Rev. Stat.,
c. 279, s. 60,
subs. 1, cl. a
amended.

5. Clause *a* of subsection 1 of section 60 of *The Police Act* is amended by striking out the words "conduct and duties" in the second line and inserting in lieu thereof the words "conduct, duties, suspension and dismissal", so that the clause shall read as follows:

(a) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces;

.

Commence-
ment.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Police Amendment Act, 1951*.



BILL

An Act to amend The Police Act

1st Reading

February 21st, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 13th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Trustee Act

MR. PORTER

EXPLANATORY NOTE

Subsection 2 of section 37 of *The Trustee Act* provides that "... if a deceased person committed a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed the wrong".

However a dead-end is reached in such situations if there is no executor or administrator of the deceased person's estate.

The new subsection 2a is designed to enable a person to proceed with his action in such circumstances.

No. 96

1951

BILL

An Act to amend The Trustee Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 37 of *The Trustee Act* is amended by adding thereto the following subsection: Rev. Stat., c. 400, s. 37, amended.

(2a) Where a person wronged is unable to maintain an action under subsection 2 because neither letters probate of the will of the deceased person nor letters of administration of the deceased person's estate have been granted within six months after the death, a judge of the Supreme Court may, on the application of the person wronged and on such notice as he may deem proper, appoint an administrator *ad litem* of the estate of the deceased person, whereupon, Actions where no executor or administrator.

(a) the administrator *ad litem* shall be deemed to be an administrator against whom an action may be brought under subsection 2; and

(b) any judgment obtained by or against the administrator *ad litem* shall be of the same force and effect as a judgment in favour of or against the deceased person, as the case may be.

(2) Subsection 1 shall apply whether the wrong was committed or the deceased person died before or after the coming into force of this Act. Application of subs. 1.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Trustee Amendment Act*, Short title. 1951.

BILL
An Act to amend The Trustee Act

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Trustee Act

MR. PORTER



No. 96

1951

BILL

An Act to amend The Trustee Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 37 of *The Trustee Act* is amended by adding thereto the following subsection: Rev. Stat., c. 400, s. 37, amended.

(2a) Where a person wronged is unable to maintain an action under subsection 2 because neither letters probate of the will of the deceased person nor letters of administration of the deceased person's estate have been granted within six months after the death, a judge of the Supreme Court may, on the application of the person wronged and on such notice as he may deem proper, appoint an administrator *ad litem* of the estate of the deceased person, whereupon, Actions where no executor or administrator.

(a) the administrator *ad litem* shall be deemed to be an administrator against whom an action may be brought under subsection 2; and

(b) any judgment obtained by or against the administrator *ad litem* shall be of the same force and effect as a judgment in favour of or against the deceased person, as the case may be.

(2) Subsection 1 shall apply whether the wrong was committed or the deceased person died before or after the coming into force of this Act. Application of subs. 1.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Trustee Amendment Act*, 1951. Short title.

BILL

An Act to amend The Trustee Act

1st Reading

February 21st, 1951

2nd Reading

February 23rd, 1951

3rd Reading

February 27th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting The Consumers' Gas Company of Toronto

MR. PARK

EXPLANATORY NOTE

This Bill has two main purposes.

SECTIONS 1 and 2 limit the dividend which may be paid by The Consumers' Gas Company of Toronto to a rate of five per cent per annum.

SECTION 3 requires the Company to make available to the City Council of Toronto full information relating to the affairs of the Company.

BILL

An Act respecting The Consumers' Gas Company of Toronto

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section VIII of *An Act to incorporate The Consumers' Gas Company of Toronto*, being chapter XIV of the Statutes of the Province of Canada passed in the eleventh year of the reign of Her Majesty Queen Victoria, is amended by striking out the word "ten" in the twelfth line and inserting in lieu thereof the word "five", so that the section shall read as follows:

VIII. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, and also shall and may have the power to make and repeal or alter such By-laws to be binding on the members of the Company or their servants, as shall appear to them proper and needful touching the well-ordering of the said Company, the management and disposition of its stock, property, estate and effects, the calling of Special Meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company and the conduct of the affairs thereof, and also shall and may have the power to make calls for instalments on shares, subject to the provisions hereinafter made, and to declare such yearly or half-yearly dividends not exceeding five *per centum per annum*, out of the profits of the said undertaking as they may deem expedient, and to make contracts, or such By-laws to empower the President, Vice-President or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the Common Seal of the Company

Powers of Directors.
Officers.
By-Laws.
Calls.
Dividends.
Contracts, etc.

Proviso as to
By-laws.

Proviso as to
Special
Meetings.

to such contracts, and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided; Provided always, that such By-laws shall be in no-wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the Laws of this Province, and shall before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same; And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors, or in their default on being thereunto requested by at least twenty of the Stockholders, being proprietors together of not less than two hundred and fifty Shares of the Stock of the said Company, then by such twenty or more (as the case may be) Stockholders; the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public newspapers of the City of Toronto, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Limit on
dividend.

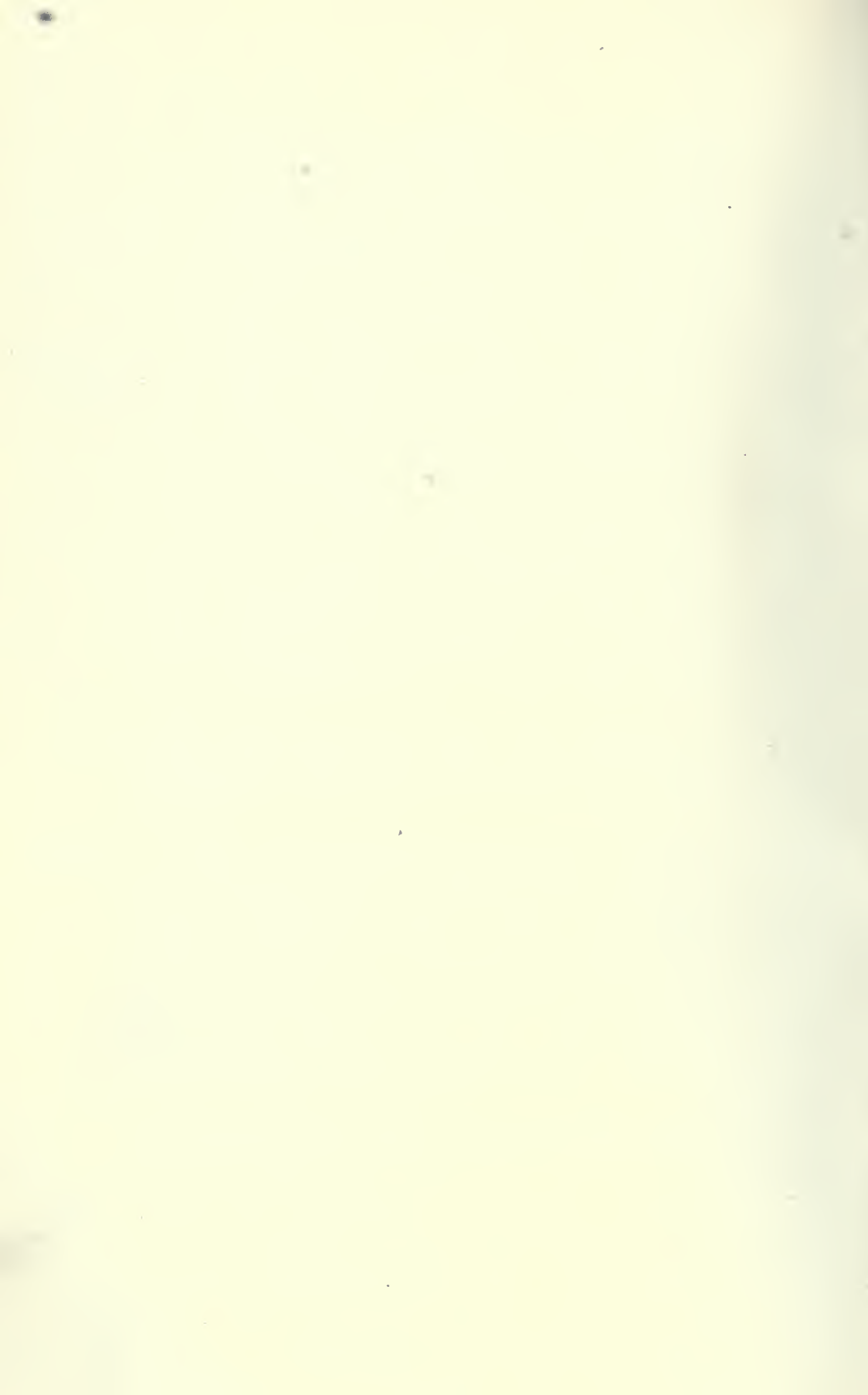
2. Notwithstanding the provisions of any other Act, The Consumers' Gas Company of Toronto shall not declare dividends on any of its stock at a rate exceeding 5 per cent per annum.

Inspection
of books,
etc.

3. At any time, on demand of the municipal council of the City of Toronto, The Consumers' Gas Company of Toronto shall make available to the said council any or all books, accounts, documents or other records in its possession relating to the affairs of the Company which may be required by the said council and shall give any further information which may be required by the said council concerning the affairs of the Company, and the council may appoint persons who shall be authorized to enter upon the premises of the Company and inspect any or all books, accounts, documents or other records relating to the affairs of the Company.

Short title.

4. This Act may be cited as *The Consumers' Gas Company Amendment Act, 1951*.



BILL

An Act respecting The Consumers' Gas
Company of Toronto

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. PARK

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Police Act

MR. CALDER

EXPLANATORY NOTE

This bill is self-explanatory.

BILL

An Act to amend The Police Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 279,
amended.

25a. Where a member of a police force is dismissed from office he shall be entitled to receive from the council or board, as the case may be, a statement of the reasons for his dismissal. Dismissal.

.

40a. Where a member of the Ontario Provincial Police Force is dismissed from office he shall be entitled to receive from the Lieutenant-Governor in Council a statement of the reasons for his dismissal. Dismissal.

2. This Act may be cited as *The Police Amendment Act*, Short title.
1951.

BILL

An Act to amend The Police Act

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. CALDER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

EXPLANATORY NOTES

SECTION 1. This provision, which is new, will enable a vote to be taken in a municipality that is legally "wet" but that has no liquor, wine or beer outlets in order to secure the views of the people on such matters.

If 60% vote "dry" no liquor, wine or beer outlets can be established in the municipality and no further vote can be taken for 3 years (see also section 3 of this bill).

SECTIONS 2, 3 and 4. Complementary to section 1 of this bill.

BILL

An Act to amend The Liquor Licence Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Liquor Licence Act* is amended by adding thereto the following section: Rev. Stat., c. 211, amended.

68a.—(1) In any municipality to which section 68 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69. Provision for vote in certain circumstances.

(2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality. Where negative vote polled.

2. Subsection 1 of section 69 of *The Liquor Licence Act* is amended by inserting after the word "force" in the second line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows: Rev. Stat., c. 211, s. 69, subs. 1, amended.

(1) The council of any municipality in which a by-law mentioned in section 68 is in force or a vote has been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

.

Rev. Stat.,
c. 211, s. 72,
amended.

3. Section 72 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the section shall read as follows:

Questions
not to be
submitted
again for
three years.

72. Where a question is submitted in a municipality under section 68a, 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission.

Rev. Stat.,
c. 211, s. 73,
subs. 1,
amended.

4.—(1) Subsection 1 of section 73 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Appoint-
ment of
managers
for vote.

- (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat.,
c. 211, s. 73,
subs. 2,
amended.

(2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of
filing of
petition.

- (2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

SECTION 5. This provision, which is new, will ensure that the status quo under this Act of an area concerned in an amalgamation or annexation will be unaffected until a vote of the residents favours a change.

Subsection 2 restricts the vote in the area amalgamated or annexed to the residents of that area.

5. *The Liquor Licence Act* is amended by adding thereto the following section: Rev. Stat.,
c. 211,
amended.

AMALGAMATIONS, ETC.

80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be. Amalgama-
tions, ~~and~~
annexations,
not to affect
status quo
under Act.

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly. Who entitled
to vote.

6. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment.

7. This Act may be cited as *The Liquor Licence Amendment Act, 1951*. Short title.

BILL

An Act to amend The Liquor Licence
Act

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. WELSH

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

*(Reprinted for consideration in the Committee of the
Whole House)*

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The words added will make the procedure on stated cases under *The Liquor Licence Act* the same as that prevailing from time to time under Part XV of the *Criminal Code*. In other words, if the stated case provisions of Part XV are amended at any time, stated cases under *The Liquor Licence Act* will proceed under Part XV as amended.

SECTION 2. In order to facilitate the work of the Board, an applicant for a new licence must secure leave by the Board before the public hearing of the application.

SECTION 3. The period between the second publication of notice of application for a licence and the meeting of the Board at which the application is to be heard is enlarged from 10 to 15 days. This will give persons 5 additional days in which to file objections so as to enable objections to be filed at least 10 days before the meeting as required by section 40.

No. 99

1951

BILL

An Act to amend The Liquor Licence Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by Rev. Stat.,
adding at the end thereof the words "as amended or re-enacted c. 211, s. 20,
from time to time", so that the section shall read as follows: amended.

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada) as R.S.C. 1927,
amended or re-enacted from time to time. c. 36. Finality of orders.

2. Section 36 of *The Liquor Licence Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 211, s. 36,
re-enacted.

36.—(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made. Filing of application.

(2) No application for a licence shall be heard at any special meeting until leave has been granted by the Board. Leave to apply.

3. Section 37 of *The Liquor Licence Act* is amended by Rev. Stat.,
adding at the commencement thereof the words "After leave c. 211, s. 37,
has been obtained under section 36" and by striking out the amended.
word "ten" in the twelfth line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows:

Publication
of notice.

37. After leave has been obtained under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

(a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or

(b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard.

Rev. Stat.,
c. 211, s. 42,
re-enacted.

4. Section 42 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Powers of
Board at
hearing.

42. Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may,

(a) cancel the licence;

(b) disqualify any person from holding a licence;

(c) disqualify any premises from being eligible as licensed premises; and

(d) impose such conditions upon the holder of the licence as the circumstances may require.

Rev. Stat.,
c. 211,
amended.

5. *The Liquor Licence Act* is amended by adding thereto the following section:

Powers of
Board to
suspend
licences, etc.

43a. The Board may suspend any licence or permit issued under this Act and shall not be obliged to give any reason or explanation for doing so.

Rev. Stat.,
c. 211,
amended.

6. *The Liquor Licence Act* is amended by adding thereto the following section:

SECTION 4. The section has dropped all references to the suspension of licences which matter is now dealt with in the new section 43a of this Act (see section 5 of the bill).

SECTION 5. See note to section 4 of this bill.

SECTION 6. This provision, which is new, will enable a vote to be taken in a municipality that is legally "wet" but that has no liquor, wine or beer outlets in order to secure the views of the people on such matters.

If 60% vote "dry" no liquor, wine or beer outlets can be established in the municipality and no further vote can be taken for 3 years (see also section 8 of this bill).

SECTIONS 7, 8 and 9. Complementary to section 6 of this bill.

68a.—(1) In any municipality to which section 68 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69. Provision for vote in certain circumstances.

(2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality. Where negative vote polled.

7. Subsection 1 of section 69 of *The Liquor Licence Act* is amended by inserting after the word "force" in the second line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows: Rev. Stat., c. 211, s. 69, subs. 1, amended.

(1) The council of any municipality in which a by-law mentioned in section 68 is in force or a vote has been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

.

8. Section 72 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the section shall read as follows: Rev. Stat., c. 211, s. 72, amended.

72. Where a question is submitted in a municipality under section 68a, 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission. Questions not to be submitted again for three years.

9.—(1) Subsection 1 of section 73 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows: Rev. Stat., c. 211, s. 73, subs. 1, amended.

Appointment of managers for vote.

- (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat., c. 211, s. 73, subs. 2, amended.

- (2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of filing of petition.

- (2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat., c. 211, amended.

- 10. The Liquor Licence Act** is amended by adding thereto the following section:

AMALGAMATIONS, ETC.

Amalgamations, annexations, not to affect status quo under Act.

- 80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be.

Who entitled to vote.

- (2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are

SECTION 10. This provision, which is new, will ensure that the status quo under this Act of an area concerned in an amalgamation or annexation will be unaffected until a vote of the residents favours a change.

Subsection 2 restricts the vote in the area amalgamated or annexed to the residents of that area.



qualified to be entered on the voters' list and to vote at elections to the Assembly.

11. This Act shall come into force on the day it receives the ^{Commence-}
Royal Assent. ^{ment.}

12. This Act may be cited as *The Liquor Licence Amend-* Short title.
ment Act, 1951.

BILL

An Act to amend The Liquor Licence
Act

1st Reading

February 21st, 1951

2nd Reading

3rd Reading

MR. WELSH

*(Reprinted for consideration in the Com-
mittee of the Whole House)*

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

*(Reprinted a second time for consideration in the Committee
of the Whole House)*

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The words added will make the procedure on stated cases under *The Liquor Licence Act* the same as that prevailing from time to time under Part XV of the *Criminal Code*. In other words, if the stated case provisions of Part XV are amended at any time, stated cases under *The Liquor Licence Act* will proceed under Part XV as amended.

SECTION 2. In order to facilitate the work of the Board, an applicant for a new licence must secure leave by the Board before the public hearing of the application.

SECTION 3. The period between the second publication of notice of application for a licence and the meeting of the Board at which the application is to be heard is enlarged from 10 to 15 days. This will give persons 5 additional days in which to file objections so as to enable objections to be filed at least 10 days before the meeting as required by section 40.

No. 99

1951

BILL

An Act to amend The Liquor Licence Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the end thereof the words "as amended or re-enacted from time to time", so that the section shall read as follows: Rev. Stat.,
c. 211, s. 20,
amended.

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada) as amended or re-enacted from time to time. Finalty
of orders.

R.S.C. 1927,
c. 36.

2. Section 36 of *The Liquor Licence Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 211, s. 36,
re-enacted.

36.—(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made. Filing of
applica-
tion.

(2) No application for a licence shall be heard at any special meeting until leave has been granted by the Board. Leave to
apply.

3. Section 37 of *The Liquor Licence Act* is amended by adding at the commencement thereof the words "After leave has been obtained under section 36" and by striking out the word "ten" in the twelfth line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows: Rev. Stat.,
c. 211, s. 37,
amended.

Publication
of notice.

37. After leave has been obtained under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
- (b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard.

Rev. Stat.,
c. 211, s. 42,
re-enacted.

4. Section 42 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Powers of
Board at
hearing.

42. Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may,

- (a) cancel the licence;
- (b) disqualify any person from holding a licence;
- (c) disqualify any premises from being eligible as licensed premises; and
- (d) impose such conditions upon the holder of the licence as the circumstances may require.

Rev. Stat.,
c. 211,
amended.

5. *The Liquor Licence Act* is amended by adding thereto the following section:

Powers of
Board to
suspend
licences, etc.

43a. The Board may suspend any licence or permit issued under this Act and shall not be obliged to give any reason or explanation for doing so.

Rev. Stat.,
c. 211, s. 44,
subs. 2,
amended.

6. Subsection 2 of section 44 of *The Liquor Licence Act* is amended by striking out the word "vendor" in the first line

SECTION 4. The section has dropped all references to the suspension of licences which matter is now dealt with in the new section 43a of this Act (see section 5 of the bill).

SECTION 5. See note to section 4 of this bill.

SECTION 6. Self-explanatory.

SECTION 7. This provision, which is new, will enable a vote to be taken in a municipality that is legally "wet" but that has no liquor, wine or beer outlets in order to secure the views of the people on such matters.

If 60% vote "dry" no liquor, wine or beer outlets can be established in the municipality and no further vote can be taken for 3 years (see also section 9 of this bill).

SECTIONS 8, 9 and 10. Complementary to section 7 of this bill.

and inserting in lieu thereof the word "purchaser" and by striking out all the words after the word "regulations" in the fourth and fifth lines, so that the subsection shall read as follows:

- (2) Upon any transfer of a licence the purchaser shall pay to the Treasurer of Ontario the monopoly value of the licence at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations.
- Monopoly value to be paid to Treasurer of Ontario.

7. *The Liquor Licence Act* is amended by adding thereto the following section:

Rev. Stat., c. 211, amended.

68a.—(1) In any municipality to which section 68 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69.

Provision for vote in certain circumstances.

- (2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality.
- Where negative vote polled.

8. Subsection 1 of section 69 of *The Liquor Licence Act* is amended by inserting after the word "force" in the second line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows:

Rev. Stat., c. 211, s. 69, subs. 1, amended.

- (1) The council of any municipality in which a by-law mentioned in section 68 is in force or a vote has been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions:
-

9. Section 72 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the section shall read as follows:

Rev. Stat., c. 211, s. 72, amended.

Questions
not to be
submitted
again for
three years.

72. Where a question is submitted in a municipality under section 68a, 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission.

Rev. Stat.,
c. 211, s. 73,
subs. 1,
amended.

10.—(1) Subsection 1 of section 73 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Appoint-
ment of
managers
for vote.

- (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat.,
c. 211, s. 73,
subs. 2,
amended.

(2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of
filing of
petition.

- (2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat.,
c. 211,
amended.

11. *The Liquor Licence Act* is amended by adding thereto the following section:

AMALGAMATIONS, ETC.

Amalgama-
tions,
annexations,
not to affect
status quo
under Act.

- 80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the

SECTION 11. This provision, which is new, will ensure that the status quo under this Act of an area concerned in an amalgamation or annexation will be unaffected until a vote of the residents favours a change.

Subsection 2 restricts the vote in the area amalgamated or annexed to the residents of that area.

whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be.

- (2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly. ^{Who entitled to vote.}

12. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement.}

13. This Act may be cited as *The Liquor Licence Amendment Act, 1951*. ^{Short title.}

BILL

An Act to amend The Liquor Licence
Act

1st Reading

February 21st, 1951

2nd Reading

March 6th, 1951

3rd Reading

MR. WELSH

*(Reprinted a second time for consideration
in the Committee of the Whole House)*

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

(Reprinted as amended in the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The words added will make the procedure on stated cases under *The Liquor Licence Act* the same as that prevailing from time to time under Part XV of the *Criminal Code*. In other words, if the stated case provisions of Part XV are amended at any time, stated cases under *The Liquor Licence Act* will proceed under Part XV as amended.

SECTION 2. In order to facilitate the work of the Board, an applicant for a new licence must secure leave by the Board before the public hearing of the application.

SECTION 3. The period between the second publication of notice of application for a licence and the meeting of the Board at which the application is to be heard is enlarged from 10 to 15 days. This will give persons 5 additional days in which to file objections so as to enable objections to be filed at least 10 days before the meeting as required by section 40.

No. 99

1951

BILL

An Act to amend The Liquor Licence Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the end thereof the words "as amended or re-enacted from time to time", so that the section shall read as follows: Rev. Stat., c. 211, s. 20, amended.

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada) as amended or re-enacted from time to time. Finalty of orders. R.S.C. 1927, c. 36.

2. Section 36 of *The Liquor Licence Act* is repealed and the following substituted therefor: Rev. Stat., c. 211, s. 36, re-enacted.

36.—(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made. Filing of application.

(2) No application for a licence shall be heard at any special meeting until leave has been granted by the Board. Leave to apply.

3. Section 37 of *The Liquor Licence Act* is amended by adding at the commencement thereof the words "After leave has been obtained under section 36" and by striking out the word "ten" in the twelfth line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows: Rev. Stat., c. 211, s. 37, amended.

Publication
of notice.

37. After leave has been obtained under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

(a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or

(b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard.

Rev. Stat.,
c. 211, s. 42,
re-enacted.

4. Section 42 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Powers of
Board at
hearing.

42. Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may,

(a) cancel the licence;

(b) disqualify any person from holding a licence;

(c) disqualify any premises from being eligible as licensed premises; and

(d) impose such conditions upon the holder of the licence as the circumstances may require.

Rev. Stat.,
c. 211,
amended.

5. *The Liquor Licence Act* is amended by adding thereto the following section:

Powers of
Board to
suspend
licences, etc.

43a. The Board may suspend any licence or permit issued under this Act and shall give reasons therefor at the time of the hearing.

Rev. Stat.,
c. 211,
amended.

6. *The Liquor Licence Act* is amended by adding thereto the following section:

SECTION 4. The section has dropped all references to the suspension of licences which matter is now dealt with in the new section 43a of this Act (see section 5 of the bill).

SECTION 5. See note to section 4 of this bill.

SECTION 6. This provision, which is new, will enable a vote to be taken in a municipality that is legally "wet" but that has no liquor, wine or beer outlets in order to secure the views of the people on such matters.

If 60% vote "dry" no liquor, wine or beer outlets can be established in the municipality and no further vote can be taken for 3 years (see also section 8 of this bill).

SECTIONS 7, 8 and 9. Complementary to section 6 of this bill.

68a.—(1) In any municipality to which section 68 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69. Provision for vote in certain circumstances.

(2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality. Where negative vote polled.

7. Subsection 1 of section 69 of *The Liquor Licence Act* is amended by inserting after the word "force" in the second line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows: Rev. Stat., c. 211, s. 69, subs. 1, amended.

(1) The council of any municipality in which a by-law mentioned in section 68 is in force or a vote has been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

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8. Section 72 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the section shall read as follows: Rev. Stat., c. 211, s. 72, amended.

72. Where a question is submitted in a municipality under section 68a, 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission. Questions not to be submitted again for three years.

9.—(1) Subsection 1 of section 73 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows: Rev. Stat., c. 211, s. 73, subs. 1, amended.

Appoint-
ment of
managers
for vote.

- (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat.,
c. 211, s. 73,
subs. 2,
amended.

- (2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of
filing of
petition.

- (2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat.,
c. 211,
amended.

- 10.** *The Liquor Licence Act* is amended by adding thereto the following section:

AMALGAMATIONS, ETC.

Amalgama-
tions,
annexations,
not to affect
status quo
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- 80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be.

Who entitled
to vote.

- (2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly.

SECTION 10. This provision, which is new, will ensure that the status quo under this Act of an area concerned in an amalgamation or annexation will be unaffected until a vote of the residents favours a change.

Subsection 2 restricts the vote in the area amalgamated or annexed to the residents of that area.



11. This Act shall come into force on the day it receives the Commence-
 Royal Assent. ment.

12. This Act may be cited as *The Liquor Licence Amend-* Short title.
ment Act, 1951.

BILL

An Act to amend The Liquor Licence
Act

1st Reading

February 21st, 1951

2nd Reading

March 6th, 1951

3rd Reading

MR. WELSH

*(Reprinted as amended in the Committee of
the Whole House)*

No. 99

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Liquor Licence Act

MR. WELSH

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Liquor Licence Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the end thereof the words "as amended or re-enacted from time to time", so that the section shall read as follows: Rev. Stat., c. 211, s. 20, amended.

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada) as amended or re-enacted from time to time. Finalty of orders. R.S.C. 1927, c. 36.

2. Section 36 of *The Liquor Licence Act* is repealed and the following substituted therefor: Rev. Stat., c. 211, s. 36, re-enacted.

36.—(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made. Filing of application.

(2) No application for a licence shall be heard at any special meeting until leave has been granted by the Board. Leave to apply.

3. Section 37 of *The Liquor Licence Act* is amended by adding at the commencement thereof the words "After leave has been obtained under section 36" and by striking out the word "ten" in the twelfth line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows: Rev. Stat., c. 211, s. 37, amended.

Publication
of notice.

37. After leave has been obtained under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

(a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or

(b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard.

Rev. Stat.,
c. 211, s. 42,
re-enacted.

4. Section 42 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Powers of
Board at
hearing.

42. Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may,

(a) cancel the licence;

(b) disqualify any person from holding a licence;

(c) disqualify any premises from being eligible as licensed premises; and

(d) impose such conditions upon the holder of the licence as the circumstances may require.

Rev. Stat.,
c. 211,
amended.

5. *The Liquor Licence Act* is amended by adding thereto the following section:

Powers of
Board to
suspend
licences, etc.

43a. The Board may suspend any licence or permit issued under this Act and shall give reasons therefor at the time of the hearing.

Rev. Stat.,
c. 211,
amended.

6. *The Liquor Licence Act* is amended by adding thereto the following section:

68a.—(1) In any municipality to which section 68 does not apply and in which no government store for the sale of liquor or for the sale of beer only has been established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69. Provision for vote in certain circumstances.

(2) If three-fifths of the electors voting on a question vote in the negative, no government store for the sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality. Where negative vote polled.

7. Subsection 1 of section 69 of *The Liquor Licence Act* is amended by inserting after the word "force" in the second line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows: Rev. Stat., c. 211, s. 69, subs. 1, amended.

(1) The council of any municipality in which a by-law mentioned in section 68 is in force or a vote has been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

.

8. Section 72 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the section shall read as follows: Rev. Stat., c. 211, s. 72, amended.

72. Where a question is submitted in a municipality under section 68a, 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission. Questions not to be submitted again for three years.

9.—(1) Subsection 1 of section 73 of *The Liquor Licence Act* is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows: Rev. Stat., c. 211, s. 73, subs. 1, amended.

Appoint-
ment of
managers
for vote.

- (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat.,
c. 211, s. 73,
subs. 2,
amended.

- (2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of
filing of
petition.

- (2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat.,
c. 211,
amended.

- 10.** *The Liquor Licence Act* is amended by adding thereto the following section:

AMALGAMATIONS, ETC.

Amalgama-
tions,
annexations,
not to affect
status quo
under Act.

- 80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be.

Who entitled
to vote.

- (2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly.

11. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment.

12. This Act may be cited as *The Liquor Licence Amend-Short title.*
ment Act, 1951.

BILL

An Act to amend The Liquor Licence
Act

1st Reading

February 21st, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 28th, 1951

MR. WELSH

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The High Schools Act

MR. PORTER

EXPLANATORY NOTE

SECTION 1. Subsection 1. Under *The High Schools Act* various matters, including the apportionment of liability among municipalities included in a high school district, are based on equalized assessment. This amendment re-enacts the definition of equalized assessment so as to make it clear that business assessments are to be included with the equalized assessments of real property in determining the equalized assessment of a municipality for the purposes of this Act.

Subsection 2. This amendment will authorize the issue of debentures to take care of initial payments or contributions by a school board to a pension scheme.

SECTION 2. This amendment authorizes, in cases where a municipality is detached from a high school district, the formation of a new district to include the area detached from a district. Heretofore the authority has been limited to adding the detached portion to an existing district.

No. 100

1951

BILL

An Act to amend The High Schools Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 1, subs. 1, cl. *e*, re-enacted.

(*e*) “equalized assessment” means the total of the assessment of the real property of a municipality, as equalized by the county council under *The Assessment Act*, and the business assessments of that municipality. Rev. Stat., c. 24.

(2) Clause *m* of subsection 1 of the said section 1 is amended by adding at the end thereof the words “and initial payments or contributions to a pension scheme established under section 39”, so that the clause shall read as follows: Rev. Stat., c. 165, s. 1, subs. 1, cl. *m*, amended.

(*m*) “permanent improvements” includes the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations, and initial payments or contributions to a pension scheme established under section 39.

2. Subsection 1 of section 8 of *The High Schools Act* is amended by inserting after the word “district” in the sixth line the words “or establish a new district including the municipality or part which has been detached”, so that the subsection shall read as follows: Rev. Stat., c. 165, s. 8, subs. 1, amended.

Decreasing
area of
districts.

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Rev. Stat.,
c. 165,
amended.

3. *The High Schools Act* is amended by adding thereto the following section:

Decrease
in area
by one of
counties.

- 8a.—(1) Where a high school district has been established by the councils of two or more adjoining counties, or by one or more counties and a city or separated town, and the council of any municipality within or partly within the district requests that the municipality or part be detached from the district and attached to another district, and the council of the county in which the municipality is situated passes a by-law under section 8, the municipality or part shall *ipso facto* be detached from the district and attached to another district or formed into a new district, as the by-law may provide.

Payment
of rates.

- (2) Subject to subsection 3, where a municipality or part thereof is detached from a district under subsection 1, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of the district.

Arbitration.

- (3) Where part or all of a municipality becomes detached as provided in subsection 1, and the council of the municipality is of the opinion that its share of the debenture payments or other debts incurred while forming part of the district is unjust, the council may apply to the board of the high school district from which the municipality was detached for an arbitration under section 50, to determine the share of such payments or debts the municipality or part shall bear.

Rev. Stat.,
c. 165, s. 21,
re-enacted.

4. Section 21 of *The High Schools Act* is repealed and the following substituted therefor:

SECTION 3. Where a high school district has been established by the councils of two or more counties, or by a county and a city or a separated town, section 8 of *The High Schools Act* has heretofore required the passing of concurrent by-laws where one municipality is to be detached from the district. Section 8a is added to the Act to permit the detachment by the action of the county in which the municipality is situate where the municipality so requests.

SECTION 4. The substituted section is to provide that the board of any high school district in a county may declare all or some of its high schools, collegiate institutes or vocational schools open to county pupils and to resident pupils of other high school districts and, in the case of a district consisting of a city or separated town the board of which has so declared its school open, the board may request the county council of the county in which the city or separated town is situate to appoint a representative to the board.

SECTIONS 5 and 6. These amendments make it clear that a board has power subject to the approval of the Minister, to dispose of any property vested in the board, however and whenever acquired, and provides that the secretary of the board shall notify the Minister of the disposition of the proceeds thereof. Sections 34 and 35 which formerly dealt with disposal of property on dissolution are now obsolete and are dealt with elsewhere in the Act.

21.—(1) In a county, the board of education or high school board of a high school district which includes ^{Declaring schools open.} or consists of a city or a separated town may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of the county or counties in which the district is situate;
- (b) county pupils of an adjoining county or counties; or
- (c) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

(2) The board of education or high school board of any ^{Idem.} other high school district in a county may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of an adjoining county or counties; or
- (b) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

(3) Where a high school, collegiate institute or vocational school is declared open under subsection 1 or 2, the board shall notify the clerk of the county, or the secretary of the board of the high school district, as the case may be, and where the district consists of a city or a separated town, may request the council of the county in which the city or separated town is situate to appoint one additional trustee, as provided by clause *a* of subsection 4 of section 18. ^{Notice; county appointment.}

5. Subsection 2 of section 33 of *The High Schools Act* is ^{Rev. Stat., c. 165, s. 33, subs. 2, re-enacted.} repealed and the following substituted therefor:

- (2) Subject to the approval of the Minister, the board shall have full power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the ^{Power to sell, lease, etc.}

property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

- (3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. Notice to Minister.

6. Sections 34 and 35 of *The High Schools Act* are repealed. Rev. Stat.,
c. 165,
ss. 34, 35,
repealed.

7. Section 39 of *The High Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 165, s. 39,
amended.

(6) Where an employee, Transfer
of funds.

(a) becomes a member of the civil service of Ontario or Canada;

(b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or Rev. Stat.,
c. 96.

(c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

8. *The High Schools Act* is amended by adding thereto the following section: Rev. Stat.,
c. 165,
amended.

48a.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 48 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situate to raise the entire sum required by the issue of its debentures, such county council may without the assent of the Request for
county to
issue debentures.

SECTION 7. The amendment is to provide that non-teaching employees of a school board may transfer to another board, municipality or the Provincial or Federal Government without loss of pension benefits, in the same manner as teachers and municipal employees.

SECTION 8. The amendment is to permit a county council to issue debentures for permanent improvements at the request of a majority of the municipalities comprising a high school district. Where the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, it is made mandatory that the council of that county on request shall issue the debentures.

SECTION 9. This amendment provides that the principal and interest on debentures for which each municipality in a high school district is liable shall be paid to the county or municipality which issued the debentures on or before the time when the debenture payment falls due and provides that a defaulting municipality may be charged interest on overdue payments.

Rev. Stat.,
c. 243.

electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 50 shall apply, except that each municipality shall pay its proportion to the county council.

Consideration by
county
council.

- (2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 48 shall apply.

Where
county
must
comply.

- (3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, the council of the county shall issue the debentures.

Rev. Stat.,
c. 165, s. 50,
amended.

9. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Time for
payments.

- (3a) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of one per cent for each month or fraction thereof that the payment is overdue.

Commence-
ment.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The High Schools Amendment Act, 1951*.

BILL

An Act to amend The High Schools
Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 100

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951 .

BILL

An Act to amend The High Schools Act

MR. PORTER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. Subsection 1. Under *The High Schools Act* various matters, including the apportionment of liability among municipalities included in a high school district, are based on equalized assessment. This amendment re-enacts the definition of equalized assessment so as to make it clear that business assessments are to be included with the equalized assessments of real property in determining the equalized assessment of a municipality for the purposes of this Act.

Subsection 2. This amendment will authorize the issue of debentures to take care of initial payments or contributions by a school board to a pension scheme.

SECTION 2. This amendment authorizes, in cases where a municipality is detached from a high school district, the formation of a new district to include the area detached from a district. Heretofore the authority has been limited to adding the detached portion to an existing district.

No. 100

1951

BILL

An Act to amend The High Schools Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 1, subs. 1, cl. *e*, re-enacted.

(*e*) "equalized assessment" means the total of the assessment of the real property of a municipality, as equalized by the county council under *The Assessment Act*, and the business assessments of that municipality. Rev. Stat., c. 24.

(2) Clause *m* of subsection 1 of the said section 1 is amended by adding at the end thereof the words "and initial payments or contributions to a pension scheme established under section 39", so that the clause shall read as follows: Rev. Stat., c. 165, s. 1, subs. 1, cl. *m*, amended.

(*m*) "permanent improvements" includes the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations, and initial payments or contributions to a pension scheme established under section 39.

2. Subsection 1 of section 8 of *The High Schools Act* is amended by inserting after the word "district" in the sixth line the words "or establish a new district including the municipality or part which has been detached", so that the subsection shall read as follows: Rev. Stat., c. 165, s. 8, subs. 1, amended.

Decreasing
area of
districts.

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Rev. Stat.,
c. 165, s. 21,
re-enacted.

3. Section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Declaring
schools
open.

- 21.—(1) In a county, the board of education or high school board of a high school district which includes or consists of a city or a separated town may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of the county or counties in which the district is situate;
- (b) county pupils of an adjoining county or counties; or
- (c) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

Idem.

- (2) The board of education or high school board of any other high school district in a county may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of an adjoining county or counties; or
- (b) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

Notice;
county
appoint-
ment.

- (3) Where a high school, collegiate institute or vocational school is declared open under subsection 1 or 2, the

SECTION 3. The substituted section is to provide that the board of any high school district in a county may declare all or some of its high schools, collegiate institutes or vocational schools open to county pupils and to resident pupils of other high school districts and, in the case of a district consisting of a city or separated town the board of which has so declared its school open, the board may request the county council of the county in which the city or separated town is situate to appoint a representative to the board.

SECTIONS 4 and 5. These amendments make it clear that a board has power subject to the approval of the Minister, to dispose of any property vested in the board, however and whenever acquired, and provides that the secretary of the board shall notify the Minister of the disposition of the proceeds thereof. Sections 34 and 35 which formerly dealt with disposal of property on dissolution are now obsolete and are dealt with elsewhere in the Act.

SECTION 6. The amendment is to provide that non-teaching employees of a school board may transfer to another board, municipality or the Provincial or Federal Government without loss of pension benefits, in the same manner as teachers and municipal employees.

board shall notify the clerk of the county, or the secretary of the board of the high school district, as the case may be, and where the district consists of a city or a separated town, may request the council of the county in which the city or separated town is situate to appoint one additional trustee, as provided by clause *a* of subsection 4 of section 18.

4. Subsection 2 of section 33 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 165, s. 33,
subs. 2,
re-enacted.

(2) Subject to the approval of the Minister, the board shall have full power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

Power to
sell, lease,
etc.

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds.

Notice to
Minister.

5. Sections 34 and 35 of *The High Schools Act* are repealed.

Rev. Stat.,
c. 165,
ss. 34, 35,
repealed.

6. Section 39 of *The High Schools Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 165, s. 39,
amended.

(6) Where an employee,

Transfer
of funds.

(a) becomes a member of the civil service of Ontario or Canada;

(b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or

Rev. Stat.,
c. 96.

(c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Rev. Stat.,
c. 165,
amended.

7. The High Schools Act is amended by adding thereto the following section:

Request for
county to
issue debentures.

48a.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 48 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situate to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 50 shall apply, except that each municipality shall pay its proportion to the county council.

Rev. Stat.,
c. 243.

Consideration by
county council.

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 48 shall apply.

Where
county
must
comply.

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, the council of the county shall issue the debentures.

Rev. Stat.,
c. 165, s. 50,
amended.

8. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Time for
payments.

(3a) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of one per cent for each month or fraction thereof that the payment is overdue.

Commencement.

9. This Act shall come into force on the day it receives the Royal Assent.

Short title

10. This Act may be cited as *The High Schools Amendment Act, 1951*.

SECTION 7. The amendment is to permit a county council to issue debentures for permanent improvements at the request of a majority of the municipalities comprising a high school district. Where the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, it is made mandatory that the council of that county on request shall issue the debentures.

SECTION 8. This amendment provides that the principal and interest on debentures for which each municipality in a high school district is liable shall be paid to the county or municipality which issued the debentures on or before the time when the debenture payment falls due and provides that a defaulting municipality may be charged interest on overdue payments.



BILL

An Act to amend The High Schools
Act

1st Reading

February 23rd, 1951

2nd Reading

March 19th, 1951

3rd Reading

MR. PORTER

(Reprinted as amended by the Committee of
the Whole House)

No. 100

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The High Schools Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1951

BILL

An Act to amend The High Schools Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 165, s. 1, subs. 1, cl. *e*, re-enacted.

(*e*) “equalized assessment” means the total of the assessment of the real property of a municipality, as equalized by the county council under *The Assessment Act*, and the business assessments of that municipality. Rev. Stat., c. 24.

(2) Clause *m* of subsection 1 of the said section 1 is amended by adding at the end thereof the words “and initial payments or contributions to a pension scheme established under section 39”, so that the clause shall read as follows: Rev. Stat., c. 165, s. 1, subs. 1, cl. *m*, amended.

(*m*) “permanent improvements” includes the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations, and initial payments or contributions to a pension scheme established under section 39.

2. Subsection 1 of section 8 of *The High Schools Act* is amended by inserting after the word “district” in the sixth line the words “or establish a new district including the municipality or part which has been detached”, so that the subsection shall read as follows: Rev. Stat., c. 165, s. 8, subs. 1, amended.

Decreasing
area of
districts.

- (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law; unless otherwise provided therein.

Rev. Stat.,
c. 165, s. 21,
re-enacted.

3. Section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Declaring
schools
open.

- 21.—(1) In a county, the board of education or high school board of a high school district which includes or consists of a city or a separated town may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of the county or counties in which the district is situate;
- (b) county pupils of an adjoining county or counties; or
- (c) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

Idem.

- (2) The board of education or high school board of any other high school district in a county may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,

- (a) county pupils of an adjoining county or counties; or
- (b) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

Notice;
county
appoint-
ment.

- (3) Where a high school, collegiate institute or vocational school is declared open under subsection 1 or 2, the

board shall notify the clerk of the county, or the secretary of the board of the high school district, as the case may be, and where the district consists of a city or a separated town, may request the council of the county in which the city or separated town is situate to appoint one additional trustee, as provided by clause *a* of subsection 4 of section 18.

4. Subsection 2 of section 33 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 165, s. 33,
subs. 2,
re-enacted.

(2) Subject to the approval of the Minister, the board shall have full power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

Power to
sell, lease,
etc.

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds.

Notice to
Minister.

5. Sections 34 and 35 of *The High Schools Act* are repealed.

Rev. Stat.,
c. 165,
ss. 34, 35,
repealed.

6. Section 39 of *The High Schools Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 165, s. 39,
amended.

(6) Where an employee,

Transfer
of funds.

(a) becomes a member of the civil service of Ontario or Canada;

(b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or

Rev. Stat.,
c. 96.

(c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Rev. Stat.,
c. 165,
amended.

7. *The High Schools Act* is amended by adding thereto the following section:

Request for
county to
issue deben-
tures.

48a.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 48 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situate to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 50 shall apply, except that each municipality shall pay its proportion to the county council.

Rev. Stat.,
c. 243.

Considera-
tion by
county
council.

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 48 shall apply.

Where
county
must
comply.

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, the council of the county shall issue the debentures.

Rev. Stat.,
c. 165, s. 50,
amended.

8. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Time for
payments.

(3a) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of one per cent for each month or fraction thereof that the payment is overdue.

Commence-
ment.

9. This Act shall come into force on the day it receives the Royal Assent.

Short title

10. This Act may be cited as *The High Schools Amendment Act, 1951*.

BILL

An Act to amend The High Schools
Act

1st Reading

February 23rd, 1951

2nd Reading

March 19th, 1951

3rd Reading

March 27th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Officers' Fees Act

MR. PORTER

EXPLANATORY NOTES

SECTION 1. Division court clerks are entitled to retain their gross fees and emoluments up to \$6,000 in each year. At present they must pay to the Treasurer of Ontario 10 per cent of the amount between \$6,000 and \$10,000 and 20 per cent of the amount earned over \$10,000. The amendments increase the percentages to be paid to 50 and 60 per cent, respectively.

SECTION 2. Self-explanatory.

No. 101

1951

BILL

An Act to amend The Public Officers' Fees Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 2 of section 8 of *The Public Officers' Fees Act* is amended by striking out the figures and words "10 per cent" in the first line and inserting in lieu thereof the figures and words "50 per cent", so that the clause shall read as follows: Rev. Stat., c. 312, s. 8, subs. 2, cl. *a*, amended.

(*a*) on the excess over \$6,000 up to \$10,000, 50 per cent thereof.

(2) Clause *b* of subsection 2 of the said section 8 is amended by striking out the figures and words "20 per cent" and inserting in lieu thereof the figures and words "60 per cent", so that the clause shall read as follows: Rev. Stat., c. 312, s. 8, subs. 2, cl. *b*, amended.

(*b*) on the excess over \$10,000, 60 per cent thereof.

2. Section 12 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$1,800" where they occur in the eighth and twelfth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows: Rev. Stat., c. 312, s. 12, amended.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, and income which does not exceed \$3,200, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount Minimum salary for certain officers.

sufficient to make up the income for the year to \$3,200, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

Commence-
ment.

3. This Act shall be deemed to have come into force on the 1st day of January, 1951.

Short title.

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1951*.



BILL

An Act to amend 'The Public Officers'
Fees Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 101

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Officers' Fees Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 101

1951

BILL

An Act to amend The Public Officers' Fees Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 2 of section 8 of *The Public Officers' Fees Act* is amended by striking out the figures and words "10 per cent" in the first line and inserting in lieu thereof the figures and words "50 per cent", so that the clause shall read as follows:

Rev. Stat.,
c. 312, s. 8,
subs. 2, cl. *a*,
amended.

(a) on the excess over \$6,000 up to \$10,000, 50 per cent thereof.

(2) Clause *b* of subsection 2 of the said section 8 is amended by striking out the figures and words "20 per cent" and inserting in lieu thereof the figures and words "60 per cent", so that the clause shall read as follows:

Rev. Stat.,
c. 312, s. 8,
subs. 2, cl. *b*,
amended.

(b) on the excess over \$10,000, 60 per cent thereof.

2. Section 12 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$1,800" where they occur in the eighth and twelfth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows:

Rev. Stat.,
c. 312, s. 12,
amended.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$3,200, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount

Minimum
salary for
certain
officers.

sufficient to make up the income for the year to \$3,200, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

**Commence-
ment.**

3. This Act shall be deemed to have come into force on the 1st day of January, 1951.

Short title.

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1951*.



BILL
An Act to amend 'The Public Officers'
Fees Act

1st Reading

February 23rd, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 13th, 1951

MR. PORTER

No. 102

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Judicature Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The amendment increases the number of the judges of the High Court of Justice for Ontario from a Chief Justice and 16 other judges to a Chief Justice and 18 other judges.

SECTION 2. Section 74 of *The Judicature Act* provides for the examination by a legally qualified medical practitioner of persons claiming damages or compensation for bodily injury. The amendment is self explanatory.

No. 102

1951

BILL

An Act to amend The Judicature Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Judicature Act* is amended by striking out the word "sixteen" in the third line and inserting in lieu thereof the word "eighteen", so that the section shall read as follows: Rev. Stat., c. 190, s. 5, amended.

5. The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and eighteen other judges. High Court of Justice.

2. Section 74 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat., c. 190, s. 74, amended.

(4) In this section, "duly qualified medical practitioner" includes a person licensed to practise dentistry under *The Dentistry Act*. Interpretation.
Rev. Stat., c. 92.

3. Section 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement.

4. This Act may be cited as *The Judicature Amendment Act, 1951*. Short title.

BILL

An Act to amend The Judicature Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 102

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Judicature Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Judicature Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Judicature Act* is amended by striking out the word "sixteen" in the third line and inserting in lieu thereof the word "eighteen", so that the section shall read as follows:

Rev. Stat.,
c. 190, s. 5,
amended.
5. The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and eighteen other judges.

High Court
of Justice.
2. Section 74 of *The Judicature Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 190, s. 74,
amended.
- (4) In this section, "duly qualified medical practitioner" includes a person licensed to practise dentistry under *The Dentistry Act*.

Interpreta-
tion.
Rev. Stat.,
c. 92.
3. Section 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment.
4. This Act may be cited as *The Judicature Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Judicature Act

1st Reading

February 23rd, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 6th, 1951

MR. PORTER

No. 103

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Coroners Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present section 23 is re-enacted in order to clarify the powers of coroners with respect to *post mortem* examinations and the like.

SECTIONS 2, 3 and 4. See section 5 of this bill. These amendments are complementary.

SECTION 5. This amendment will enable coroners to be reimbursed for expenses (such as long distance telephone calls) necessarily incurred in carrying out their duties.

No. 103

1951

BILL

An Act to amend The Coroners Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat., c. 70, s. 23, re-enacted.

23. A coroner may at any time during an investigation or inquest issue his warrant to a legally qualified medical practitioner to conduct a *post mortem* examination of the body, an analysis of the blood, urine, or the contents of the stomach and intestines, or such other examination or analysis as the circumstances may warrant, but if he determines that an inquest is unnecessary he shall not thereafter issue his warrant for a *post mortem* examination or analysis without the consent in writing of the Attorney-General, the Crown attorney or the supervising coroner. *Post mortem* examinations and analyses.

2. Subsection 1 of section 37 of *The Coroners Act* is amended by striking out the word "mileage" in the first line. Rev. Stat., c. 70, s. 37, subs. 1, amended.

3. Subsection 1 of section 38 of *The Coroners Act* is amended by striking out the words "mileage allowance" in the second line and inserting in lieu thereof the word "allowances". Rev. Stat., c. 70, s. 38, subs. 1, amended.

4. Section 40 of *The Coroners Act* is amended by striking out the words "mileage allowance" in the eleventh line and inserting in lieu thereof the word "allowances". Rev. Stat., c. 70, s. 40, amended.

5. Schedule A to *The Coroners Act* is amended by adding thereto the following item: Rev. Stat., c. 70, Sched. A, amended.

5. For expenses necessarily incurred in connection with an investigation or inquest, such expense allowance as may be approved by the Crown attorney.

6. This Act may be cited as *The Coroners Amendment Act, 1951*. Short title.

BILL

An Act to amend The Coroners Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 103

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Coroners Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 103

1951

BILL

An Act to amend The Coroners Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat., c. 70, s. 23, re-enacted.

23. A coroner may at any time during an investigation or inquest issue his warrant to a legally qualified medical practitioner to conduct a *post mortem* examination of the body, an analysis of the blood, urine, or the contents of the stomach and intestines, or such other examination or analysis as the circumstances may warrant, but if he determines that an inquest is unnecessary he shall not thereafter issue his warrant for a *post mortem* examination or analysis without the consent in writing of the Attorney-General, the Crown attorney or the supervising coroner. *Post mortem* examinations and analyses.

2. Subsection 1 of section 37 of *The Coroners Act* is amended by striking out the word "mileage" in the first line. Rev. Stat., c. 70, s. 37, subs. 1, amended.

3. Subsection 1 of section 38 of *The Coroners Act* is amended by striking out the words "mileage allowance" in the second line and inserting in lieu thereof the word "allowances". Rev. Stat., c. 70, s. 38, subs. 1, amended.

4. Section 40 of *The Coroners Act* is amended by striking out the words "mileage allowance" in the eleventh line and inserting in lieu thereof the word "allowances". Rev. Stat., c. 70, s. 40, amended.

5. Schedule A to *The Coroners Act* is amended by adding thereto the following item: Rev. Stat., c. 70, Sched. A, amended.

5. For expenses necessarily incurred in connection with an investigation or inquest, such expense allowance as may be approved by the Crown attorney.

6. This Act may be cited as *The Coroners Amendment Act, 1951*. Short title.

BILL

An Act to amend The Coroners Act

1st Reading

February 23rd, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 6th, 1951

MR. PORTER

No. 104

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Wolf and Bear Bounty Act

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTION 1. The new subsection is designed to assist in a proper administration of the Act. It is self explanatory.

SECTION 2. This new subsection will enable a proper degree of control to be applied where wolves and bears are released from captivity.

No. 104

1951

BILL

An Act to amend The Wolf and Bear Bounty Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Wolf and Bear Bounty Act* is amended by adding thereto the following subsection: Rev. Stat., c. 427, s. 7, amended.

(2) If it is determined by the person to whom a skin is delivered under subsection 1 that it is not the skin of a wolf, it shall thereupon become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct. Mistaken presentation.

2. Section 16 of *The Wolf and Bear Bounty Act* is amended by adding thereto the following subsection: Rev. Stat., c. 427, s. 16, amended.

(3a) Where a permit has been issued under subsection 2, the holder thereof shall not release the wolf or bear from captivity until he has obtained the approval in writing of the Minister. Release from captivity.

3. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1951*. Short title.

BILL

An Act to amend The Wolf and Bear
Bounty Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

No. 104

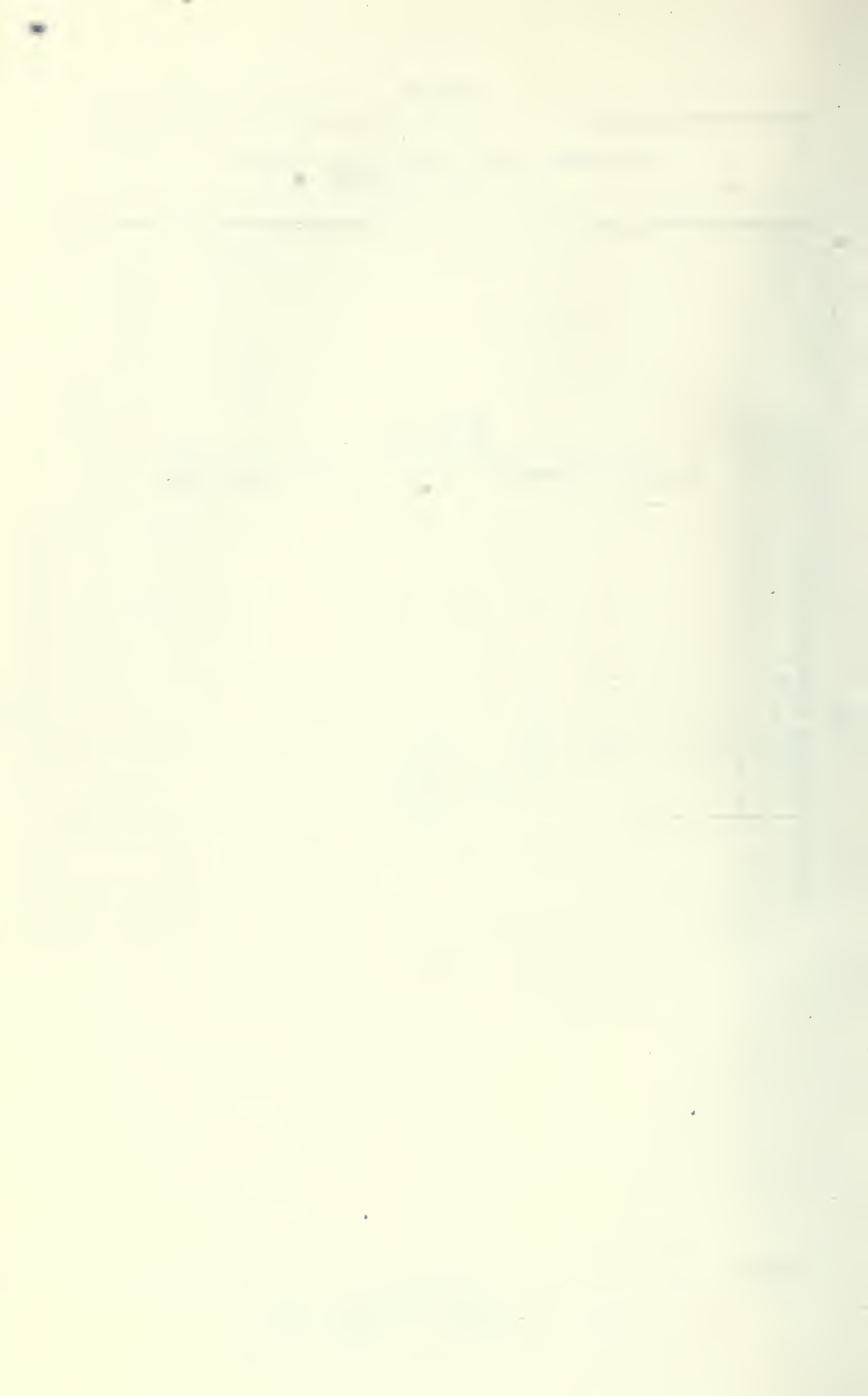
3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Wolf and Bear Bounty Act

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 104

1951

BILL

An Act to amend The Wolf and Bear Bounty Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Wolf and Bear Bounty Act* is amended by adding thereto the following subsection: Rev. Stat., c. 427, s. 7, amended.

(2) If it is determined by the person to whom a skin is delivered under subsection 1 that it is not the skin of a wolf, it shall thereupon become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct. Mistaken presentation.

2. Section 16 of *The Wolf and Bear Bounty Act* is amended by adding thereto the following subsection: Rev. Stat., c. 427, s. 16, amended.

(3a) Where a permit has been issued under subsection 2, the holder thereof shall not release the wolf or bear from captivity until he has obtained the approval in writing of the Minister. Release from captivity.

3. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1951*. Short title.

BILL

An Act to amend The Wolf and Bear
Bounty Act

1st Reading

February 23rd, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 6th, 1951

Mr. Scott (Peterborough)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Forest Fires Prevention Act

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTION 1. The effect of these amendments is that in the application for a work permit and in the permit itself the land on which the operation is to take place must be described with greater certainty than has been the case in the past.

SECTION 2. Self explanatory.

No. 105

1951

BILL

An Act to amend The Forest Fires Prevention Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 12 of *The Forest Fires Prevention Act* is amended by striking out the words “shall state the location of the proposed operation or mill” in the third and fourth lines and inserting in lieu thereof the words “shall describe the lands upon which the proposed operation is to be carried on and shall state”, so that the subsection shall read as follows:

Rev. Stat.,
c. 144, s. 12,
subs. 2,
amended.

(2) The application for such permit shall be in the prescribed form, and in addition to any other information required in the form shall describe the lands upon which the proposed operation is to be carried on and shall state the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.

Contents of
application.

(2) Subsection 5 of the said section 12 is amended by striking out the words “may be limited as to duration and area” in the first line and inserting in lieu thereof the words “shall describe the lands upon which the proposed operation is to be carried on and may be limited as to duration”, so that the subsection shall read as follows:

Rev. Stat.,
c. 144, s. 12,
subs. 5,
amended.

(5) A work permit shall describe the lands upon which the proposed operation is to be carried on and may be limited as to duration, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

Contents
of work
permit.

2.—(1) Subsection 1 of section 16 of *The Forest Fires Prevention Act* is amended by inserting after the word “refuse”

Rev. Stat.,
c. 144, s. 16,
subs. 1,
amended.

in the sixth line the word "non-merchantable", so that the subsection shall read as follows:

Destruction
of refuse,
etc. on
land being
cleared.

- (1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, non-merchantable timber, brush or other flammable material cut or accumulated thereon.

Rev. Stat.,
c. 144, s. 16,
subs. 4,
amended.

- (2) Subsection 4 of the said section 16 is amended by striking out the words "using fuel other than oil and" in the second line, so that the subsection shall read as follows:

Area sur-
rounding
mills, etc.,
to be
cleared.

- (4) Every person having charge of a camp, mine, sawmill, portable or stationary engine located within one-half mile of any forest or woodland shall have the area surrounding the camp, mine, sawmill or engine cleared of flammable material for a distance of at least 300 feet and such further distance as may in the opinion of an officer be required.

Short title.

- 3.** This Act may be cited as *The Forest Fires Prevention Amendment Act, 1951*.



BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Forest Fires Prevention Act

MR. SCOTT (Peterborough)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Forest Fires Prevention Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 12 of *The Forest Fires Prevention Act* is amended by striking out the words “shall state the location of the proposed operation or mill” in the third and fourth lines and inserting in lieu thereof the words “shall describe the lands upon which the proposed operation is to be carried on and shall state”, so that the subsection shall read as follows: Rev. Stat., C. 144, s. 12, subs. 2, amended.

(2) The application for such permit shall be in the prescribed form, and in addition to any other information required in the form shall describe the lands upon which the proposed operation is to be carried on and shall state the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. Contents of application.

(2) Subsection 5 of the said section 12 is amended by striking out the words “may be limited as to duration and area” in the first line and inserting in lieu thereof the words “shall describe the lands upon which the proposed operation is to be carried on and may be limited as to duration”, so that the subsection shall read as follows: Rev. Stat., C. 144, s. 12, subs. 5, amended.

(5) A work permit shall describe the lands upon which the proposed operation is to be carried on and may be limited as to duration, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary. Contents of work permit.

2.—(1) Subsection 1 of section 16 of *The Forest Fires Prevention Act* is amended by inserting after the word “refuse” Rev. Stat., C. 144, s. 16, subs. 1, amended.

in the sixth line the word "non-merchantable", so that the subsection shall read as follows:

Destruction
of refuse,
etc. on
land being
cleared.

- (1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, non-merchantable timber, brush or other flammable material cut or accumulated thereon.

Rev. Stat.,
c. 144, s. 16,
subs. 4,
amended.

- (2) Subsection 4 of the said section 16 is amended by striking out the words "using fuel other than oil and" in the second line, so that the subsection shall read as follows:

Area sur-
rounding
mills, etc.,
to be
cleared.

- (4) Every person having charge of a camp, mine, saw-mill, portable or stationary engine located within one-half mile of any forest or woodland shall have the area surrounding the camp, mine, sawmill or engine cleared of flammable material for a distance of at least 300 feet and such further distance as may in the opinion of an officer be required.

Short title.

- 3.** This Act may be cited as *The Forest Fires Prevention Amendment Act, 1951*.



BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

February 23rd, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 6th, 1951

MR. SCOTT (Peterborough)

No. 106

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Private Forest Reserves Act

MR. SCOTT (Peterborough)

EXPLANATORY NOTE

Grants of lands are made from time to time by the Crown in which a certain kind of timber is reserved to the Crown. Subsequently such lands may become private forest reserves under *The Private Forest Reserves Act*, the effect of which is that the owner and his successors are precluded in perpetuity from cutting the timber thereon without the consent of the Minister of Lands and Forests.

The purpose of this bill is to enable the Minister in such circumstances to transfer the title in the reserved timber to the owner of such land, but under the new subsection 2 the timber still cannot be cut without the consent of the Minister.

No. 106

1951

BILL

An Act to amend The Private Forest Reserves Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Forest Reserves Act* is amended by adding thereto the following section: Rev. Stat.,
c. 288,
amended.

5a.—(1) Where the letters patent granting any land declared to be a private forest reserve under this Act contains a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing and discharging the land from such reservation. Release of
reserved
timber
rights.

(2) Where lands are released and discharged from a reservation of any class or kind of timber under subsection 1, the cutting or removal of such timber shall be subject to section 5. Effect of
release.

2. This Act may be cited as *The Private Forest Reserves Amendment Act, 1951*. Short title.

BILL

An Act to amend The Private Forest
Reserves Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

No. 106

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Private Forest Reserves Act

MR. SCOTT (Peterborough)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 106

1951

BILL

An Act to amend The Private Forest Reserves Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Forest Reserves Act* is amended by adding thereto the following section: Rev. Stat., c. 288, amended.

5a.—(1) Where the letters patent granting any land declared to be a private forest reserve under this Act contains a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing and discharging the land from such reservation. Release of reserved timber rights.

(2) Where lands are released and discharged from a reservation of any class or kind of timber under subsection 1, the cutting or removal of such timber shall be subject to section 5. Effect of release.

2. This Act may be cited as *The Private Forest Reserves Amendment Act, 1951*. Short title.

BILL

An Act to amend The Private Forest
Reserves Act

1st Reading

February 23rd, 1951

2nd Reading

March 2nd, 1951

3rd Reading

March 13th, 1951

MR. SCOTT (Peterborough)

No. 107

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Workmen's Compensation Act

MR. DOWLING

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to implement the specific recommendations of the Royal Commission on Workmen's Compensation with regard to accident prevention. The provisions of the Bill are self-explanatory.

BILL

An Act to amend The Workmen's Compensation Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 430,
amended.

115a.—(1) Notwithstanding anything contained in section 115, the whole subject of accident prevention in all the industries included in Schedule 1, except mining, shall be under the jurisdiction of the Board. Alternative
control of
accident
prevention.

(2) Where, heretofore, any association has been formed under the authority of subsection 1 of section 115 and the Board is of the opinion that such association is effectively carrying out the work of accident prevention in the industries represented by that association, it may adopt that association as its agent for the purpose of carrying out such administrative duties as the Board may from time to time prescribe. Adoption of
association
by Board.

115b.—(1) The Board shall have power, Powers of
Board as to
accident
prevention.

(a) to investigate from time to time employments and places of employment within the Province, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all employments or places of employment;

(b) to determine what suitable devices or other reasonable means or requirements for the prevention of industrial diseases shall be adopted or followed in any or all employments or places of employment;

- (c) to make rules and regulations, whether of general or special application, and which may apply to both employers and workmen, for the prevention of accidents and the prevention of industrial diseases in employments or places of employment;
- (d) to establish and maintain museums in which shall be exhibited safety devices, safeguards, and other means and methods for the protection of the life, health and safety of workmen, and to publish and distribute bulletins on any phase of the subject of accident prevention;
- (e) to cause lectures to be delivered, illustrated by stereopticon or other views, diagrams, or pictures, for the information of employers and their workmen and the general public in regard to first aid and in regard to the causes and prevention of industrial accidents, industrial diseases, and related subjects;
- (f) to appoint advisory committees, on which employers and workmen shall be represented, to assist the Board in establishing reasonable standards of safety in employments, and to recommend rules and regulations;
- (g) to charge any class, sub-class, or employer with the cost of any expenditure made under this Act for the benefit of that class, sub-class, or employer, including the cost of investigations, inspections, and other services rendered for the prevention of accidents.

Public
hearing.

- (2) Before the adoption of any rule or regulation by the Board under this section a public hearing shall be held for the purpose of considering the same. Not less than ten days before the hearing a notice thereof shall be published in newspapers in the Province; the place of the publication of such newspapers shall be left to the discretion of the Board. No defect or inaccuracy in the notice or in the publication shall invalidate any rule or regulation made by the Board.

Inspection
of premises.

- (3) The Board and any member of it and any officer or person authorized by it for that purpose shall have the right at all reasonable hours to enter into the establishment of any employer who is liable to

contribute to the accident fund and the premises connected with it, and every part of them, for the purpose of ascertaining whether the ways, works, machinery, or appliances therein are safe, adequate, and sufficient and whether all proper precautions are taken for the prevention of accidents to the workmen employed in or about the establishment or premises, and whether the safety appliances or safeguards prescribed by law are used and employed therein, or for any other purpose which the Board may deem necessary, including the purpose of determining the proportion in which the employer should contribute to the accident fund.

- (4) Every person who obstructs or interferes with any ^{Offence.} commissioner, officer, or person in the exercise of the rights conferred by subsection 3 shall be guilty of an offence against this Part.

115c.—(1) Where in any employment or place of em- ^{Adoption of safety devices.} ployment safety devices or appliances are in the opinion of the Board necessary for the prevention of accidents or of industrial diseases, the Board may order the installation or adoption of such devices and appliances and may fix a reasonable time within which they shall be installed or adopted, and the Board shall give notice thereof to the employer. The employer shall notify the Board in writing as soon as such order has been complied with.

- (2) Where safety devices or appliances are ordered to be ^{Power to close down plants.} installed or adopted under this section or are prescribed by the regulations and the employer fails, neglects, or refuses to install and adopt such safety devices or appliances in any employment or place of employment in accordance with the terms of the order or regulations and to the satisfaction of the Board, or where under the circumstances the Board is of opinion that conditions of immediate danger exist in any employment or place of employment which would be likely to result in the loss of life or serious injury to the workmen employed therein, the Board may, in its discretion, order the employer to forthwith close down the whole or any part of the employment or place of employment and the industry carried on therein.

- (3) Every employer who fails, neglects, or refuses to ^{Offence.} comply with any order made by the Board under subsection 2 shall be guilty of an offence against this Part, and each day's continuance of any such failure,

neglect, or refusal to comply shall constitute a new and distinct offence.

Leave to
commence
operations.

115*d*.—(1) No employer shall, for the purpose of any industry within the scope of this Part, commence the operation of or operate or carry on any plant, or establishment, or any substantial addition thereto, which has not been in operation for the period of seven months last preceding, and in which power-driven machinery is used, until leave therefor is obtained from the Board as provided in this section.

Application
for leave.

(2) Application for leave under this section shall be made to the Board in writing, signed by the employer, and stating that the plant, or establishment, or any substantial addition thereto, is ready for operation. Upon receipt of the application, the Board or some member of the Board, or some other person appointed by the Board, shall make an inspection of the plant or establishment, or any substantial addition thereto, and if on such inspection the plant, or establishment, or any substantial addition thereto, is found to be reasonably free from danger to persons employed therein, the Board shall grant leave for the operation of the plant, or establishment or any substantial addition thereto. Pending inspection, the Board may, by a temporary permit, grant leave to the employer for the operation of the plant, or establishment, or any substantial addition thereto.

Offence.

(3) Every person who operates or carries on any plant, or establishment, or any substantial addition thereto, in contravention of the provisions of this section shall be liable to a penalty of not less than fifty dollars and not more than two hundred dollars for each day on which the plant, or establishment, or any substantial addition thereto, is so operated or carried on.

Accident
prevention
committee.

115*e*.—(1) The management of every operation in which twenty or more workmen are employed shall maintain an accident prevention committee consisting of not more than twelve members nor less than four members. Members of the committee shall be designated in equal numbers by the workmen and by the employers. Workmen representatives shall be regular employees in the operation, with at least one year's experience in that type of operation over which their inspection duties shall extend.

- (2) The general duties of the accident prevention committee shall be: General duties.

- (a) to make a thorough inspection not less than once a month of the entire plant or place of employment for the purpose of determining hazardous conditions, to check on unsafe practices and to receive complaints and recommendations with respect to these matters;
- (b) to investigate promptly all serious accidents and any unsafe conditions or practice which may be reported to it. Such investigations shall include accidents which might have caused serious injury to a workman whether or not such injury actually occurred;
- (c) to hold regular meetings at least monthly for the discussion of current accidents, their causes, suggested means of preventing their recurrence and reports of investigations and inspections;
- (d) to keep a record of all investigations, inspections, complaints, recommendations and minutes of meetings. The minutes to indicate what action has been taken with respect to suggestions or recommendations previously made, and if no action has been taken, the reason therefor to be given. Copies of minutes shall be sent promptly to the Workmen's Compensation Board and the accident prevention association, if any, representing the industries in the class to which the employer's industry belongs;
- (e) to investigate fire conditions, examine fire-escapes, fire-extinguishers, water-buckets, sand-buckets, and all fire-fighting appliances;
- (f) to inspect lighting arrangements in all places of employment, and to report to the employers all insufficiently lighted places, passage-ways, and other portions of the plant or camp where workmen are liable to be injured in the course of their employment;
- (g) to inspect or arrange for the inspection of all machinery, transmission motor stops, cables, blocks, slings, chains, tongs, tools, equipment and accident prevention devices;

- (h) to provide at each establishment facilities for receiving written complaints and recommendations.

Logging
camps.

- (3) The committees in connection with logging camps shall, in addition to their other duties, inspect particularly all spar-trees, gin-poles, skid-roads, and general working conditions in and about the camps.

Where
accident
prevention
department
maintained.

- (4) Where the employer maintains an accident prevention department making regular plant and equipment inspections and investigations of accidents, the safety committee shall not duplicate such services but shall be furnished with copies of the records and reports in order that it may make recommendations regarding inspection and investigation facilities.

Short title.

2. This Act may be cited as *The Workmen's Compensation Amendment Act, 1951*.



BILL

An Act to amend The Workmen's
Compensation Act

1st Reading

February 23rd, 1951

2nd Reading

3rd Reading

MR. DOWLING

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Gas Pipe Lines

MR. GEMMELL

EXPLANATORY NOTE

This bill proposes a new Act designed to facilitate the installation of pipe lines for the transmission in Ontario of natural and manufactured gas.

No. 108

1951

BILL

An Act respecting Gas Pipe Lines

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means Ontario Municipal Board;
- (b) "gas" means any natural or manufactured gas or any mixture thereof;
- (c) "land" includes any interest in land;
- (d) "line" means a pipe line for the transmission of gas including any works appurtenant thereto, and includes a branch line.

2.—(1) A corporation having authority to acquire, process, transmit, transport, sell or otherwise dispose of, or distribute gas, that proposes to establish a line may apply to the Board for a certificate of public convenience and necessity in respect thereof. Certificate of public convenience and necessity.

(2) With the application, the corporation shall file a map showing the proposed route of the line, the terminals, and all municipalities, railways and navigable waters through, upon, under, over or across which the proposed line will pass. Map to be filed.

(3) No certificate of public convenience and necessity shall be granted or refused until the Board has held a public hearing to deal with the matter. Public hearing.

(4) The applicant shall give notice of the application and of the time and place fixed by the Board for the hearing to such persons and in such manner as the Board may direct. Notice.

(5) Where the Board grants a certificate, it may impose such terms and conditions as it considers proper. Terms in certificate.

Powers of
corporation.

3. Upon the granting of a certificate of public convenience and necessity, the corporation may,

- (a) enter into or upon any land lying in the intended route of the line, and make surveys, examinations or other arrangements on such land for fixing the site of the line, and set out and ascertain such parts of the land as are necessary for the purposes of the line;
- (b) acquire by purchase, lease, expropriation or otherwise, and hold of and from any person any land or other property necessary for the construction, maintenance and operation of the line and construct, lay, carry or place its line upon, under or over any such land; and
- (c) do all such acts as may be necessary in order to exercise the powers conferred by clauses *a* and *b*.

Expropria-
tion, plans
and descrip-
tions to be
deposited.

4.—(1) Where a corporation has been granted a certificate of public convenience and necessity and desires to exercise its power to acquire land by expropriation under this Act, it may, with the approval of the Board, deposit in the proper registry or land titles office,

- (a) a copy of the certificate of public convenience and necessity attested by the secretary of the Board; and
- (b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf, and signed by an Ontario land surveyor,

and thereupon the land shall vest in the corporation.

When land
temporarily
required,
etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall vest in the corporation.

Correction
of errors.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

5.—(1) The corporation shall make to the owner of land ^{Compensation.} acquired by expropriation under this Act due compensation for any damages necessarily resulting from the exercise of such power.

(2) No action or other proceeding shall lie in respect of such compensation and failing agreement between the corporation and the owner the amount thereof shall be determined in the manner provided in this section. ^{Manner of determination of amount.}

(3) The Lieutenant-Governor in Council may appoint a ^{Appointment of official arbitrator.} judge of a county or district court as arbitrator to determine in a summary manner the amount of such compensation.

(4) The arbitrator, subject to the approval of the Lieutenant-Governor in Council, may make such rules of procedure as to costs and as to the enforcement of awards as he deems expedient. ^{Procedure.}

(5) An appeal shall lie to the Board from the award of the arbitrator under this section. ^{Appeal.}

(6) Notice of an appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the secretary of the Board and to the other party within fourteen days after the making of the award. ^{Notice of appeal.}

(7) The hearing of the appeal shall be a hearing *de novo*. ^{Nature of appeal.}

6. Where a corporation requires at any time to enter, ^{Right of entry for repairs, etc.}

(a) upon any land for the purposes mentioned in clause a of section 3; or

(b) upon any land along the right of a line established under this Act, for the purpose of maintaining, repairing, renewing or removing it or part of it,

the corporation shall have the right to do so without the consent of the owner of the land so entered, and compensation for any damages necessarily resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 5.

7.—(1) Without any other leave and notwithstanding any other Act, the line may, if leave therefor is first obtained from the Board, be constructed upon, under or over any highway, any municipal drainage ditch, any railway, any telegraph, telephone or electric power line, or any pipe line. ^{Highways, railways, etc.}

Plans, etc.,
to be sub-
mitted to
Board.

(2) Upon an application for such leave, the corporation shall submit to the Board such plans and profiles and other information as the Board may require.

Board's
power.

(3) The Board may grant the application in whole or in part and may impose such terms and conditions as it considers proper.

Where Board
may permit
construction
without
leave.

(4) The Board may by order, on such terms and conditions as it considers proper, provide that its leave is not necessary for the construction of the line upon, under or over any of the works mentioned in subsection 1 or any class thereof, if the line is constructed in the manner approved by the Board for construction upon, under or over that type of works.

Board's
decision
final.

8.—(1) The decision of the Board on any application to it under this Act or on an appeal under subsection 5 of section 5 shall be final and conclusive.

Proceedings
before
Board.
Rev. Stat.,
c. 262.

(2) *The Ontario Municipal Board Act* applies to proceedings taken before the Board under this Act.

Powers
under Act
supple-
mental.

9. The powers that may be conferred upon a corporation under this Act shall not be in derogation of but shall be in addition to all powers it may otherwise possess.

Short title.

10. This Act may be cited as *The Gas Pipe Lines Act, 1951*.

BILL

An Act respecting Gas Pipe Lines

1st Reading

February 27th, 1951

2nd Reading

3rd Reading

MR. GEMMELL

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Gas Pipe Lines

MR. GEMMELL



BILL

An Act respecting Gas Pipe Lines

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Board" means Ontario Municipal Board;
- (b) "gas" means any natural or manufactured gas or any mixture thereof;
- (c) "land" includes any interest in land;
- (d) "line" means a pipe line for the transmission of gas including any works appurtenant thereto, and includes a branch line.

2.—(1) A corporation having authority to acquire, process, transmit, transport, sell or otherwise dispose of, or distribute gas, that proposes to establish a line may apply to the Board for a certificate of public convenience and necessity in respect thereof.

(2) With the application, the corporation shall file a map showing the proposed route of the line, the terminals, and all municipalities, railways and navigable waters through, upon, under, over or across which the proposed line will pass.

Map to
be filed.

(3) No certificate of public convenience and necessity shall be granted or refused until the Board has held a public hearing to deal with the matter.

Public
hearing.

(4) The applicant shall give notice of the application and of the time and place fixed by the Board for the hearing to such persons and in such manner as the Board may direct.

Notice.

(5) Where the Board grants a certificate, it may impose such terms and conditions as it considers proper.

Terms in
certificate.

Powers of
corporation.

3. Upon the granting of a certificate of public convenience and necessity, the corporation may,

- (a) enter into or upon any land lying in the intended route of the line, and make surveys, examinations or other arrangements on such land for fixing the site of the line, and set out and ascertain such parts of the land as are necessary for the purposes of the line;
- (b) acquire by purchase, lease, expropriation or otherwise, and hold of and from any person any land or other property necessary for the construction, maintenance and operation of the line and construct, lay, carry or place its line upon, under or over any such land; and
- (c) do all such acts as may be necessary in order to exercise the powers conferred by clauses *a* and *b*.

Expropria-
tion, plans
and descrip-
tions to be
deposited.

4.—(1) Where a corporation has been granted a certificate of public convenience and necessity and desires to exercise its power to acquire land by expropriation under this Act, it may, with the approval of the Board, deposit in the proper registry or land titles office,

- (a) a copy of the certificate of public convenience and necessity attested by the secretary of the Board; and
- (b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf, and signed by an Ontario land surveyor,

and thereupon the land shall vest in the corporation.

When land
temporarily
required,
etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall vest in the corporation.

Correction
of errors.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

5.—(1) The corporation shall make to the owner of land ^{Compensation.} acquired by expropriation under this Act due compensation for any damages necessarily resulting from the exercise of such power.

(2) No action or other proceeding shall lie in respect of such compensation and failing agreement between the corporation and the owner the amount thereof shall be determined in the manner provided in this section. ^{Manner of determination of amount.}

(3) The Lieutenant-Governor in Council may appoint a judge of a county or district court as arbitrator to determine ^{Appointment of official arbitrator.} in a summary manner the amount of such compensation.

(4) The arbitrator, subject to the approval of the Lieutenant-Governor in Council, may make such rules of procedure as to costs and as to the enforcement of awards as he deems expedient. ^{Procedure.}

(5) An appeal shall lie to the Board from the award of the arbitrator under this section. ^{Appeal.}

(6) Notice of an appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the secretary of the Board and to the other party within fourteen days after the making of the award. ^{Notice of appeal.}

(7) The hearing of the appeal shall be a hearing *de novo*. ^{Nature of appeal.}

6. Where a corporation requires at any time to enter, ^{Right of entry for repairs, etc.}

(a) upon any land for the purposes mentioned in clause a of section 3; or

(b) upon any land along the right of a line established under this Act, for the purpose of maintaining, repairing, renewing or removing it or part of it,

the corporation shall have the right to do so without the consent of the owner of the land so entered, and compensation for any damages necessarily resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 5.

7.—(1) Without any other leave and notwithstanding any other Act, the line may, if leave therefor is first obtained from the Board, be constructed upon, under or over any highway, any municipal drainage ditch, any railway, any telegraph, telephone or electric power line, or any pipe line. ^{Highways, railways, etc.}

Plans, etc.,
to be sub-
mitted to
Board.

(2) Upon an application for such leave, the corporation shall submit to the Board such plans and profiles and other information as the Board may require.

Board's
power.

(3) The Board may grant the application in whole or in part and may impose such terms and conditions as it considers proper.

Where Board
may permit
construction
without
leave.

(4) The Board may by order, on such terms and conditions as it considers proper, provide that its leave is not necessary for the construction of the line upon, under or over any of the works mentioned in subsection 1 or any class thereof, if the line is constructed in the manner approved by the Board for construction upon, under or over that type of works.

Board's
decision
final.

8.—(1) The decision of the Board on any application to it under this Act or on an appeal under subsection 5 of section 5 shall be final and conclusive.

Proceedings
before
Board.
Rev. Stat.,
c. 262.

(2) *The Ontario Municipal Board Act* applies to proceedings taken before the Board under this Act.

Powers
under Act
supple-
mental.

9. The powers that may be conferred upon a corporation under this Act shall not be in derogation of but shall be in addition to all powers it may otherwise possess.

Short title.

10. This Act may be cited as *The Gas Pipe Lines Act, 1951*.

BILL

An Act respecting Gas Pipe Lines

1st Reading

February 27th, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 13th, 1951

MR. GEMMELL

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Voters' Lists Act, 1951

MR. PORTER

(Reprinted as amended by the Committee on Election Laws)

EXPLANATORY NOTE

This Bill re-enacts *The Voters' Lists Act* chiefly for the purpose of adapting the Federal system to the preparation and revision of the voters' lists for provincial elections. To this end the Bill contains an entirely new Part III, replacing Parts III, IV and V of the present Act, and provides for the preparation of the lists in both rural and urban polling subdivisions by means of enumeration.

The most important change in Parts I and II is the elimination of the third part of the voters' list prepared by the municipalities and most of the other changes in Parts I and II are complementary thereto. In addition the following changes are made:

1. Municipal lists will hereafter be made up in the same order as the assessment roll of the municipality is prepared unless the council otherwise directs (section 7 (2)).
2. Municipal lists may hereafter be prepared by any mechanical method (section 9). Heretofore the Act has specified printing although in fact many municipalities have used duplicating machines.
3. The number of copies of municipal lists that must be prepared is reduced and the number of copies required to be sent out is reduced by providing that one copy, instead of two, is to be sent to the persons described in section 9, and it will hereafter be necessary to send a copy to the division court clerk and the registrar of deeds only if so requested. This change is also made in respect of the sending of lists of complaints, statements of changes, etc. (sections 9, 16 (4), 20 and 21).
4. A new subsection 4 has been added to section 14 to make it clear that a person may acquire the qualification to vote after the return of the assessment roll. This removes a possible conflict with the provisions of *The Municipal Act* in this matter.

No. 109

1951

BILL

The Voters' Lists Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation.

(a) "board" means election board established under *The Election Act, 1951*;

1951,
c.

(b) "judge" means judge of the county or district court of the county or district and includes a junior or acting judge, but does not include a deputy judge;

(c) "polling subdivision", "rural polling subdivision" and "urban polling subdivision" mean such polling subdivisions as defined in *The Election Act, 1951*;

(d) "prescribed" means prescribed by this Act or by the regulations made under this Act;

(e) "voter" means a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Assembly or at a municipal election, as the case may be. R.S.O. 1950, c. 414, s. 1, *amended*.

RULES AND FORMS

2.—(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out Parts I and II of this Act.

Rules and
forms.

(2) The forms in the Schedule to this Act may be modified or varied, but any such modification or variation shall be subject to the approval of the judge. R.S.O. 1950, c. 414, s. 2.

Forms.

APPLICATION OF PARTS

Application, Part I; **3.**—(1) Part I applies to towns, villages, townships and, except as varied by Part II, to cities. R.S.O. 1950, c. 414, s. 3 (1).

Part II. (2) Part II applies to every city in which a by-law has been passed fixing separate dates for the return of the assessment rolls for each ward or division of a ward, as defined in the by-law. R.S.O. 1950, c. 414, s. 3 (2), *amended*.

Where list destroyed by fire or accident. (3) Where through accident, fire or otherwise a municipality has no assessment roll or voters' list prepared under Part I or II, the municipality shall for the purposes of this Act be deemed to be a part of Ontario without municipal organization. R.S.O. 1950, c. 414, s. 3 (5), *amended*.

Fees and expenses paid by Province. **4.** The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Part III shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts. R.S.O. 1950, c. 414, s. 4, *amended*.

Revising officer's decision final. **5.** The decision of the revising officer under Part III in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final. R.S.O. 1950, c. 414, s. 5, *amended*.

Returning officer to act on receipt of telegram in lieu of actual receipt of writ. **6.** Notwithstanding anything in this Act or *The Election Act, 1951* or any regulations made under either of the said Acts, a returning officer in any electoral district, on being advised by the Chief Election Officer by telegraph that a writ of election has been directed to him, shall forthwith commence his duties as prescribed by the said Acts and regulations, without waiting until he actually receives the writ. R.S.O. 1950, c. 414, s. 6, *amended*.

PART I

LIST OF VOTERS AND COPIES

List of voters in parts. **7.**—(1) The clerk of each municipality, immediately after the return of the assessment roll in every year, shall make a correct list for each polling subdivision of the municipality in two parts (Form 1) of all persons appearing by the assess-

ment roll or by the supplementary roll prepared by the assessor to be voters. R.S.O. 1950, c. 414, s. 7 (1), *amended*.

(2) The list shall be made up in the same order as the assessment roll is prepared in the municipality except where the council by resolution has directed that it be made up alphabetically. R.S.O. 1950, c. 414, s. 7 (2), *amended*. How made up.

(3) The first part shall contain the names of all persons appearing by the assessment roll to be voters at both provincial and municipal elections. R.S.O. 1950, c. 414, s. 7 (3), *amended*. First part.

(4) The second part shall contain the names of all persons appearing by the assessment roll to be voters at municipal elections but not at provincial elections. R.S.O. 1950, c. 414, s. 7 (4). Second part.

(5) The name of the same person shall not be entered more than once on the first or second part of the list, except that in the case of a municipality divided into wards the name of the same person shall be entered upon the list as qualified to vote at municipal elections in every ward in which he is assessed for a sufficient amount to qualify him so to vote. Name to be entered once only on first or second part.

(6) Where a municipality is divided into polling subdivisions, lists shall be made for each subdivision. List for polling subdivisions.

(7) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, the clerk shall insert the letters "M.F.N.C." opposite the name of such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. Entering name of husband or wife of person rated. Rev. Stat., c. 243.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the clerk shall insert in the proper column opposite the name of such person, the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified adding thereto, where the person is so qualified in respect of more than one lot or parcel, the words "and other premises". Where qualification in respect of real property.

(9) In the case of a person being a farmer's son or a farmer's daughter, the clerk shall insert opposite the name in the proper column the words "Farmer's Son" or "Farmer's Daughter" or the letters "F.S." or "F.D.", as the case may be. Farmer's son and farmer's daughter.

Entry where voter assessed in several divisions of same ward.

(10) Where a ward is divided into polling subdivisions and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words "and other premises", and where to the knowledge of the clerk the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision.

Where property partly in one subdivision and partly in another.

(11) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, and add the words "Partly qualified in subdivision No.".

Entry in list of person assessed as freeholder or tenant.

(12) Where the word "Owner" or the letter "O", or the word "Tenant" or the letter "T", appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person. R.S.O. 1950, c. 414, s. 7 (8-15).

Entries of those qualified as jurors.

(13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end of the second part the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward. R.S.O. 1950, c. 414, s. 7 (16), *amended*.

Entries of separate school supporters.

(14) The clerk shall, in a separate column of the voters' list, insert the letter "S" opposite the name of every person who is shown in the assessment roll as a separate school supporter and also after the name of the wife or husband of every such person if the wife or husband is shown by the roll to be a Roman Catholic. R.S.O. 1950, c. 414, s. 7 (17).

Entry of P.O. address of voter.

8.—(1) The clerk of every township, in making out the list, shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person on the list and shall, according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears

by the assessment roll or is within the knowledge or belief of the clerk, but no appeal or complaint, on the ground of any error, mistake or omission in or from the list in respect of any matter or thing directed to be inserted therein by this section, shall be made or allowed by or under this Act.

(2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the return of the assessment roll and before the reproduction of the voters' list by the clerk may give notice in writing, signed by him and verified by a statutory declaration, to the clerk requesting that his name be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of the non-resident person on the list for any other polling subdivision so designated and after the name shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the property is situate. R.S.O. 1950, c. 414, s. 8.

Entry of non-resident voter in polling subdivision other than where qualified.

9. Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least 175 copies of the first and second parts of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy,

Printing and distribution of list.

- (a) to the judge or senior judge of the county or district court of the county or district to which the municipality belongs for judicial purposes;
- (b) to the head and every member of the council of the municipality;
- (c) to the sheriff;
- (d) to every postmaster in the municipality;
- (e) to the secretary of every school board in the municipality;
- (f) to the clerk of the council of the county in which the municipality is situate;
- (g) to the registrar of deeds, if he has so requested in writing before the 1st day of July in the year;

(h) to the clerk of the division court within whose division the municipality is partly or wholly situate, if he has so requested in writing before the 1st day of July in the year;

(i) to the member of the House of Commons and of the Assembly for the electoral district in which the municipality or any part thereof is situate; and

(j) to every other candidate for whom votes were given at the then last election of a member of the House of Commons and for the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 9, *amended*.

Certificate
of clerk.

10.—(1) Upon each of the copies of the first part so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or mailed there shall be a certificate of the clerk (Form 3) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificates shall contain clauses calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

Endors-
ment of
date.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:

“This list was posted up in the Clerk’s Office on
the.....day of....., 19....”

R.S.O. 1950, c. 414, s. 10.

Posting up.

11. Upon receipt of the copies of the list, the sheriff shall post up one copy in a conspicuous place in the court house, the clerk of the peace shall post up one copy in a conspicuous place in his office, and every postmaster shall post up one copy in a conspicuous place in his post office. R.S.O. 1950, c. 414, s. 11 (1), *amended*.

Notice of
transmission
and posting
up of list.

12. The clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or, if none is published therein, in a newspaper having a general circulation in the municipality, a notice (Form 4) signed by him which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office, and the last day for entering appeals. R.S.O. 1950, c. 414, s. 12, *amended*.

REVISION OF FIRST AND SECOND PARTS OF LIST

13.—(1) The first and second parts of the list shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on either of the parts, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the first and second parts of the list. R.S.O. 1950, c. 414, s. 13 (1). Revision of list by judge.

(2) Upon the revision, the assessment roll shall not be conclusive evidence in regard to any matter. R.S.O. 1950, c. 414, s. 13 (2), *amended*. Assessment roll not conclusive.

(3) Upon the revision, no person shall be disentitled to have his name entered on the list by reason of his having omitted to make, sign or deliver any statement or affidavit required by *The Assessment Act*, or of his name not having been entered on the assessment roll. Idem. Rev. Stat., c. 24.

(4) The decision of the judge as to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final. Judge's decision final.

(5) In the case of a list for a town, village or township, the judge shall receive, as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit (Form 5), if the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the judge and is delivered to the clerk before the time for making complaints has expired. R.S.O. 1950, c. 414, s. 13 (3-5). When evidence by affidavit receivable.

14.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list. Who may appeal or complain.

(2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired shall be deemed to be a person entitled to be entered on the list, and if entered Persons who have acquired qualification before time for giving notice has expired.

thereon he shall be entered also on the assessment roll and shall be assessed for his property if not already assessed therefor without any request on his part, and the judge and clerk, for the purpose of such assessment, shall have the powers and perform the duties mentioned in section 41.

Complaint
that person
named on
list has lost
qualification.

(3) A person whose name is entered on the first or second part of the list and has, before the time for giving notice of appeal to the judge has expired, ceased to possess the qualification in respect of which his name was so entered, on complaint being duly made under section 16, shall be deemed to be wrongfully entered on the list and, subject to section 18, his name shall be removed therefrom. R.S.O. 1950, c. 414, s. 14.

Proviso.

(4) For the purpose of determining whether a person has acquired or has ceased to possess the qualification entitling him to vote at a municipal election for the purposes of this section, the assessment roll upon which the current voters' list is based shall be deemed not to have been returned. *New.*

Powers of
judge.

15. The judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of a person entered on the first or second part of the list, correct any mistake which appears to have been made in compiling the list in respect of the name, place of abode, qualification, or the local or other description of the property of a person entered on the list and with respect to whose right to be so entered an appeal or complaint is pending before the judge. R.S.O. 1950, c. 414, s. 15.

Proceedings
on
complaint.

16.—(1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business notice in writing (Form 6) of his complaint.

Vacancy in
office of
clerk.

(2) If the office of clerk is vacant, the notice may be given in like manner to the deputy clerk or to the head of the council of the municipality, and he shall perform all the duties of the clerk.

Procedure.

(3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons and the allowances and expenses payable to the judge shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under *The Assessment Act*, but no deposits shall be required.

Rev. Stat.,
c. 24.

[NOTE.—See *Forms 6-11.*]

Distribution
of list of
appeals.

(4) The clerk shall forthwith after posting up the list of appeals in his office deliver or mail by registered post one

copy of the list to the judge, the clerk of the peace and each of the persons described in clauses *b*, *i* and *j* of section 9. R.S.O. 1950, c. 414, s. 16, *amended*.

17.—(1) Any person may obtain from the county or district court of the county or district a subpoena (Form 12) or from the judge an order, requiring the attendance of a witness residing or served with the subpoena or order in any part of Ontario and requiring the witness to produce any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same if his expenses according to the scale allowed in division courts are paid or tendered to him at the time of service. Compelling attendance of witnesses.

(2) Any person in respect of the entry or omission of whose name a complaint is made shall, if resident within the municipality for or in which the court is held, upon being served with a subpoena or order obey the same without being tendered or paid his expenses, and the subpoena or order shall be deemed to have been sufficiently served, Compelling attendance of persons whose right is in question.

(a) if the subpoena or order is served upon him personally; or

(b) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some adult person at his residence or place of business; or

(c) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him by registered letter directed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office described as his post office in the voters' list unless the last-mentioned post office is his last known post office address, or in the case of cities, towns and villages if no post office is described for him in the voters' list, directed to the post office of such city, town or village; or Rev. Stat., c. 24.

(d) where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

Penalty for non-attendance.

(3) If a person whose right to be a voter is the subject of inquiry does not attend in obedience to the subpoena or order, the judge, in the absence of satisfactory excuse being shown for the non-attendance or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off or refuse to enter his name on the list.

Prima facie evidence of certain facts.

(4) The fact that the name of the person is entered on the last revised voters' list of the electoral district shall be *prima facie* evidence that he is a British subject and twenty-one years of age.

Number of names.

(5) The names of any number of witnesses may be inserted in one subpoena or order. R.S.O. 1950, c. 414, s. 17, *amended*.

When qualification incorrectly stated.

18. If on complaint or appeal to strike off the name of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the name has not been entered on the proper part of the list, enter it thereon. R.S.O. 1950, c. 414, s. 18.

Time within which list to be revised.

19. The judge shall so arrange and proceed and fix the sittings of the court that all the complaints shall be heard and determined and the first and second parts of the list finally revised, corrected and certified within one month from the last day for making complaints. R.S.O. 1950, c. 414, s. 19.

Certifying list by clerk of the peace when no complaint made.

20.—(1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver or mail to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality, to furnish one copy of the list,

(a) to the judge;

(b) to the clerk of the peace;

(c) to the clerk of the municipality;

(d) to every candidate for whom votes were given at the then last election of a member for the House of

Commons and the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 20 (1), *amended*.

(2) The clerk of the peace shall retain one certified copy and shall deliver or mail one certified copy to each of the persons described in clauses *a*, *c*, and *d* of subsection 1. R.S.O. 1950, c. 414, s. 20 (2), *amended*. Certificate of clerk of the peace.

21.—(1) If any complaint is made and allowed by the judge, he shall, immediately after the list has been finally revised, certify (Form 15) to the clerk a statement of the changes made by him in the list. R.S.O. 1950, c. 414, s. 21 (1). Statement of changes made by judge.

(2) The clerk shall thereupon prepare a sufficient number of copies of the statement of changes made by the judge to furnish one copy for each of the persons described in clauses *a*, *c* and *d* of subsection 1 of section 20, and shall, within one week after the revision has been made by the judge, deliver or mail such copies of the statement of changes, together with the certificate of the judge, to the clerk of the peace, and such statement shall be made out according to polling subdivisions and shall show the changes made in the list for each polling subdivision. R.S.O. 1950, c. 414, s. 21 (2), *amended*. Delivery of copies.

(3) The clerk of the peace shall thereupon sign and certify (Form 16) such copies together with a copy of the voters' list received by him from the clerk and deliver or send by registered post one copy to each of the persons described in clauses *a*, *c* and *d* of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (3), *amended*. Certificate of clerk of the peace on copies.

(4) Instead of proceeding as provided in subsections 1, 2 and 3, the judge may direct the clerk to prepare a sufficient number of copies of the list as revised by the judge to furnish one copy for each of the persons described in clauses *b*, *c* and *d* of subsection 1 of section 20, and the clerk shall within one week after the revision has been made transmit or deliver such copies to the judge, and the judge shall thereupon sign and certify (Form 17) such copies and shall retain one and shall deliver or mail one copy to each of the persons described in clauses *b*, *c* and *d* of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (4), *amended*. Delivery and certification of copies of revised list.

22. The clerk of the peace shall be entitled to remuneration at the rate of \$1 per copy for the services performed by him under subsection 2 of section 20 and subsection 3 of section 21, such remuneration to be paid by the municipality. R.S.O. 1950, c. 414, s. 22. Remuneration of clerk of the peace.

Striking off
names of
persons
dying after
revision.

23.—(1) After the list has been certified and before the nomination day at a municipal election, the judge may, upon the application of a voter, strike from the list the name of a person who has died since the list was certified, and for that purpose the certificate of the Registrar-General shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

Procedure.

(2) The proceedings shall be the same as nearly as may be as those prescribed for the revision of the list, and the judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. R.S.O. 1950, c. 414, s. 23.

Correction
of list
after re-
visions of
assessment
roll.

24. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and, upon appeal to the court of revision or to the judge, alterations are made in the assessment roll affecting the right of a person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes. R.S.O. 1950, c. 414, s. 24.

Effect of
certified
list.

25. The certified list shall be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any municipal election at which such list was, or was the proper list to be, used except,

- (a) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified by the judge;
- (b) persons who, subsequent to the list being certified, have ceased to be qualified to vote at a municipal election in the municipality to which the list relates and who by reason thereof are, under *The Municipal Act*, disentitled to vote;
- (c) persons whose names are entered on the list under the authority of a certificate issued pursuant to subsection 7 of section 58 of *The Municipal Act*. R.S.O. 1950, c. 414, s. 25.

Rev. Stat.,
c. 243.

Duty of
municipality
to provide
room.

26.—(1) The municipality within which a court is to be held shall provide a suitable and convenient place, properly

furnished, heated and lighted, for the holding of the court, and in default thereof the judge may hold the court at such place in the county or district as he may deem proper and if the court is held elsewhere than in the court house of the county or district, the occupant of the building in which it is held may recover from the municipality the sum of \$5 for each day on which the building was used for the purposes of the court.

(2) Every court held in the county or district town shall be held in the court house, or in such other place as the judge deems proper. R.S.O. 1950, c. 414, s. 26. Courts in county towns.

27. In all proceedings before the judge he shall have all the powers which belong to or might be exercised by him in the county court. R.S.O. 1950, c. 414, s. 27. Powers of judge.

28. The clerk of every municipality shall be subject to the summary jurisdiction and control of the judge in the performance of his duty under this Act in the same manner as an officer of the county court is to the court. R.S.O. 1950, c. 414, s. 28. Clerk.

29.—(1) The clerk shall be entitled to all reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him under this Act and shall also be entitled to the following compensation: Remuneration of clerk in connection with complaints.

1. For the name of every person entered in the list of complaints.....\$.05
2. For every name entered in any necessary copy of the list of complaints..... .05
3. For every name entered or other correction made by the judge in the voters' list, and in every copy of the list revised..... .05
4. For every name in the statement of changes made by the judge in the list..... .05
5. For every necessary notice to any party complaining or complained against..... .15
6. For every mile necessarily and actually travelled by him in effecting service of a notice of appeal or complaint and in attendance at the hearing of complaints or appeals..... .08
7. For every day's attendance at the sittings of the court..... 5.00

(2) The assessor shall be entitled to all reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him under this Act and to an allowance of \$5 per diem for every day's attendance at the court and to 8 cents for every mile necessarily and actually travelled Remuneration of assessor.

by him to attend at the hearing of complaints or appeals. R.S.O. 1950, c. 414, s. 29 (1, 2).

Appoint-
ment of
constable.

30.—(1) The judge shall have power to appoint a proper person to attend as constable at the sitting of the court, and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a division court.

Constable's
fees.

(2) The constable shall be entitled to the following compensation:

1. For every day's attendance.....\$4.00
2. For every service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the judge, a sum not exceeding 20 cents per mile one way for each mile necessarily and actually travelled to effect such service.

R.S.O. 1950, c. 414, s. 30.

Payment
of fees.

31. The compensation to which the clerk, assessor and constable are respectively entitled shall be certified by the judge and paid to the clerk, assessor and constable respectively by the treasurer of the municipality upon the production and deposit with him of the judge's certificate. R.S.O. 1950, c. 414, s. 31.

Report by
judges as to
frauds, etc.

32. If the judge who holds the court is of the opinion that any person has contravened section 46 or 48, or that frauds in respect of the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General with particulars as to names and facts. R.S.O. 1950, c. 414, s. 32.

Amend-
ments.

33. The judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1950, c. 414, s. 33.

Substitution
of new
appellant.

34. If an appellant or complainant dies or abandons his appeal or complaint or is found not to be entitled to be an appellant, the judge may in his discretion allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint upon such terms as the judge may think proper. R.S.O. 1950, c. 414, s. 34.

Costs oc-
casioned by
errors.

35.—(1) If errors are found in the voters' list on the revision thereof in the omission of names, the inaccurate entry of names or the entry of names of persons not entitled to vote and it appears to the judge that the assessor or clerk was

blamable for any of the errors, the judge may order (Form 18) the assessor or clerk to pay all costs occasioned by such errors.

(2) In case of errors for which the court of revision is blamable, the judge may order the municipality to pay the costs occasioned by such errors. Order for payment by municipality.

(3) In all cases not provided for, the costs shall be in the discretion of the judge. Discretion of judge. R.S.O. 1950, c. 414, s. 35.

36. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a division court. Scale of costs. R.S.O. 1950, c. 414, s. 36.

37. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless in the opinion of the judge the complaint or appeal is frivolous or vexatious or has not been made in good faith, in which case the judge may order the appellant or complainant to pay in addition any other costs allowed by section 36. Liability of appellant for costs. R.S.O. 1950, c. 414, s. 37.

38. Payment of costs may be enforced by an execution (Form 19) against goods and chattels, to be issued from the division court of the division within which the municipality or part thereof is situate upon filing therein the order of the judge and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. Enforcing payment of costs. R.S.O. 1950, c. 414, s. 38.

REFERENCE TO COURT OF APPEAL

39.—(1) In order to facilitate uniformity of decision without the delay and expense of appeals, Stating case.

- (a) a judge may state a case on any question arising or likely to arise and may transmit it to the Lieutenant-Governor in Council who may immediately refer it to the Court of Appeal for the opinion of the court; or
- (b) the Lieutenant-Governor in Council may state a case on any such question to the Court of Appeal for the opinion of the court.

(2) Immediately upon receipt of the case, the court shall appoint a time and place for hearing argument, of which written notice shall be given by the Registrar of the Supreme Court posting up a copy of the notice in his office in Osgoode Hall, Toronto, at least ten clear days before the time appointed. Time and place of argument.

Hearing.

(3) At the time appointed the court shall hear the argument by such of the counsel present as the court may think proper to hear, and shall certify to the Lieutenant-Governor in Council the opinion of the court thereon, and the opinion shall be published forthwith in *The Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the judge of every county and district court. R.S.O. 1950, c. 414, s. 39.

Opinion at instance of voter.

40. The Court of Appeal may also give an opinion on any question at the instance of a voter if the court sees fit, and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the court or a judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel and may require notice of the proceedings, or any of them, to be given to such person as the court or judge may direct. R.S.O. 1950, c. 414, s. 40.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED

Liability of persons added to roll on revision.

Rev. Stat., c. 24.

41. If a person who is found entitled to be a voter at municipal elections is not assessed or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll. R.S.O. 1950, c. 414, s. 41.

FAILURE OF CLERK TO PERFORM HIS DUTIES

Lists not vitiated.

42. The non-performance by the clerk of any of his duties under this Act within the times appointed shall not affect the validity of any list. R.S.O. 1950, c. 414, s. 42.

Summary application to enforce performance of duties.

43.—(1) If the clerk fails to perform any of his duties, the clerk of the peace shall forthwith apply summarily (Form 20) to the judge to enforce the performance thereof.

Application by voter.

(2) The application may also be made by any voter.

Proceedings by judge.

(3) The judge shall require (Form 21) the clerk and any other person he sees fit to appear before him and produce the assessment roll and any documents relating thereto or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he deems proper.

(4) The clerk shall pay the costs of the proceedings unless on special grounds the judge otherwise orders, in which case the judge may direct how and by whom the costs are to be paid. Liability of clerk for costs.

(5) The proceedings and order of the judge shall not relieve the clerk from the penalty mentioned in section 44. R.S.O. 1950, c. 414, s. 43. Clerk's liability to penalty.

OFFENCES

44. Every clerk who omits, neglects or refuses to perform any of the duties hereinbefore required of him shall be guilty of an offence and for every such omission, neglect or refusal shall be liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 44. Penalty for neglect of duties by clerk.

45. The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence, and every clerk of a municipality, clerk of the peace or other person who commits such offence, or wilfully permits it to be committed, shall be liable to a penalty of not less than \$500 and not more than \$2,000 and in addition may be imprisoned for a term of not more than three months. R.S.O. 1950, c. 414, s. 45. Penalty for wilfully falsifying list.

46.—(1) No person shall be a party to any instrument or to any verbal arrangement whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter. Colourable transfer of property.

(2) Every person who contravenes the provisions of this section, in addition to any other penalty prescribed in that behalf, shall be liable to a penalty of \$100. Penalty.

(3) Every person who induces or attempts to induce another to commit an offence under this section shall be liable to a like penalty. R.S.O. 1950, c. 414, s. 46. Procuring commission of offence.

47. To prevent the creation of false votes, where a person claims to be assessed or to be entered or named in an assessment roll or claims that another person should be assessed, entered or named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person claiming, or for or in respect of whom the claim is made, ought not to be so assessed, or so entered or named in the roll, the assessor shall make reasonable inquiries before assessing, entering or naming any such person in the assessment roll. R.S.O. 1950, c. 414, s. 47. Inquiries by assessor.

48. Every person who wilfully and improperly enters or procures or causes to be entered the name of a person in an Improper insertion of name in roll.

assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully enters or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits or procures or causes to be omitted the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall be guilty of an offence and liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 48.

Recovery of penalties.

Rev. Stat., c. 379.

49. Any penalty mentioned in sections 44 to 48 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1950, c. 414, s. 49, *amended*.

INSPECTION AND COPIES OF DOCUMENTS

Right to inspect and copy assessment rolls, etc.

Rev. Stat., cc. 243, 24.

50. A voter and an agent of a voter may, at all reasonable times and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications and other documents and proceedings necessary or of use for carrying out the provisions of *The Municipal Act*, *The Assessment Act* or this Act, and the clerk for such purposes shall accord all reasonable facilities consistent with the safety of the documents and the rights and interests of all persons concerned, and shall in regard to such matters be subject to the direction of the judge. R.S.O. 1950, c. 414, s. 50.

Fees for copies of list.

51. The fees payable to the clerk of the peace and to the clerk of the municipality for furnishing copies of a list or any part of a list shall be those fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 414, s. 51.

PART II

PREPARATION OF WARD LISTS

Preparation of list where roll returned and revised by wards.

52. Immediately after the return by the assessor of the assessment roll for any ward or division of a ward, and without waiting for the revision and correction of the roll by the court of revision or by the judge, the clerk of every city to which this Part applies shall prepare and cause to be reproduced the first and second parts of the voters' list in the manner prescribed by Part I. R.S.O. 1950, c. 414, s. 52, *amended*.

53.—(1) Forthwith after the preparation and reproduction of the last of such lists, the clerk shall post up and distribute each of the lists for each ward or division in the manner prescribed by Part I, and forthwith after the clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in such daily newspapers published in the city as may be directed by the judge, calling upon persons who are aware of errors or omissions in the lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary qualifications as a voter since the return of the assessment roll for any such ward or division of a ward to give notice of the same, and shall name a time and place at which the judge will hold a court for revising the lists for the whole city. R.S.O. 1950, c. 414, s. 53 (1), *amended*. Posting up and distributing lists.

(2) The time for making complaints as to errors or omissions in the lists shall be within fourteen days after the first publication of the notice. R.S.O. 1950, c. 414, s. 53 (2). Time for making complaints.

54. The judge shall so arrange and proceed and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints will be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting. R.S.O. 1950, c. 414, s. 54. Time for final revision of lists.

55. If no complaint respecting any of the lists is received by the clerk within fourteen days after the first publication of the notice, the clerk shall apply forthwith to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or division and the judge shall certify such three copies and retain one and deliver or mail by registered post one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office. R.S.O. 1950, c. 414, s. 55. Certifying list where no complaint made.

56. If any complaint is made as aforesaid with respect to any of the lists within such period, the judge shall proceed as provided by section 21, and sections 23 to 25 shall apply to the list prepared under this Part. R.S.O. 1950, c. 414, s. 56 (1), *amended*. Procedure where complaint made.

57. Subject to subsection 7 of section 58 of *The Municipal Act*, the lists as so revised, corrected and certified by the judge shall together form from time to time the last revised voters' list for the city within the meaning of this Act and *The Municipal Act*, and the date fixed by section 53 as the last day for making complaints to the judge shall be deemed to be the last day for making complaints to the judge within the Effect of list as completed. Rev. Stat., c. 243.

meaning of any oath prescribed by that Act and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. R.S.O. 1950, c. 414, s. 57.

PART III

PREPARATION AND REVISION OF PROVINCIAL LISTS IN URBAN POLLING SUBDIVISIONS

ENUMERATION

Enumera-
tors.

58. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 22) for each urban polling subdivision in the electoral district two persons to be enumerators of the voters in such subdivision and to prepare a list thereof, and shall require each of such persons to take the oath (Form 23). R.S.O. 1950, c. 414, s. 74, *amended*.

Enumera-
tors to act
jointly.

59. Each enumerator shall exercise the utmost care in the preparation of the voters' list and the two enumerators appointed for each urban polling subdivision shall, with relation to each process in the preparation of the voters' list, act jointly and not individually, and in case of any disagreement they shall report the matter to the returning officer and shall in all respects be bound by his decision. *New*.

Selection of
enumer-
ators.

60. The returning officer shall, as far as possible, select and appoint the two enumerators for each urban polling subdivision so that they represent two different and opposed political interests, as provided in section 61. *New*.

Notice of
intention to
appoint en-
umerators.

61.—(1) At least two days before he proposes to appoint the persons who are to act as enumerators, the returning officer shall give notice thereof,

- (a) to the person who will apparently be the candidate at the election of the political interest represented by the government of the day; and
- (b) to the person who will apparently be the candidate at the election of a different and opposed political interest the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

and if at the time of giving such notice it is, in the opinion of the returning officer, not yet apparent who either of such

persons will be, the returning officer shall give such notice to the person who was the candidate of such political interest at the next preceding election.

(2) The persons receiving notice under subsection 1 may each, within two days of receiving such notice, nominate a fit and proper person for appointment as enumerator in each urban polling subdivision in the electoral district and the returning officer shall appoint every such person as an enumerator in the urban polling subdivision for which he has been nominated unless he is of opinion that there is good cause for refusing to appoint any such person. ^{Nominations.}

(3) Where the returning officer is of opinion that there is good cause for refusing to appoint any person so nominated, he shall notify the person making the nomination and such person may within twelve hours nominate a substitute, but the returning officer may refuse to appoint such substitute where he is of opinion that there is good cause for so doing. ^{Refusal to appoint.}

(4) The returning officer shall himself select and appoint enumerators to such extent as may be necessary where, ^{Where returning officer may select.}

(a) at the time of giving notice under subsection 1 there is in the opinion of the returning officer no person who will apparently be the candidate at the election of the political interest represented by the government of the day and there was no candidate of such political interest at the next preceding election;

(b) at the next preceding election there was opposed to the candidate of the political interest representing the government of the day no candidate representing a different and opposed political interest; or

(c) any of the persons entitled to make nominations fails to nominate a suitable person for appointment for any urban polling subdivision. *New.*

62.—(1) The returning officer shall supply each pair of enumerators with, ^{Enumerators' equipment.}

(a) a copy of the first part of the last revised voters' list prepared pursuant to Part I;

(b) a book of enumerators' record forms (Form 24);

(c) a supply of notices of inability to obtain information for the purposes of registration; and

(d) a supply of voters' list forms (Form 25). *New.*

Preparation
of list.

(2) The enumerators shall forthwith upon their appointment, by means of,

(a) a joint house-to-house canvass;

(b) a reference to the first part of the voters' list prepared pursuant to Part I; and

(c) such other sources as may be available to them,

prepare a list, under headings of names of streets where possible and in the order of street numbers in subdivisions in which street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the urban polling subdivision who are qualified to vote at the election. R.S.O. 1950, c. 414, s. 75, *amended*.

Enumera-
tors' record
form.

(3) The name, address and occupation of every person entitled to be entered on the list shall at the time of visiting the dwelling place of such person be entered on an enumerators' record form which shall be signed by both enumerators, and a duplicate thereof shall be detached from the book and left at such dwelling place.

House-to-
house
canvass.

(4) In making the house-to-house canvass the enumerators shall visit every dwelling place in the urban polling subdivision and, unless they have ascertained from an occupant of each such dwelling place that no person residing therein remains unregistered, they shall visit such place,

(a) at least once between 9 a.m. and 6 p.m.; and

(b) at least once between 7 p.m. and 10 p.m.,

and where, upon making the last of such visits, the enumerators are unable to secure all the information necessary to register all persons residing therein who may be qualified to vote at the election, they shall leave at such dwelling place a notice of inability to obtain information for purposes of registration (Form 26). *New*.

Certification
and dis-
position of
list by en-
umerators.

63.—(1) The enumerators, immediately after the completion of the list and not later than four days from the date of their appointment, shall certify the urban polling subdivision list (Form 25) on oath and deliver it to the returning officer together with the book of enumerators' record forms used in the preparation of the list, and shall prepare at least six copies of such list so certified and shall forthwith post up one copy in the office of the returning officer, one copy in a conspicuous place in the urban polling subdivision for which the list was prepared, and one copy in the office of the

clerk of the municipality, for public inspection, and the returning officer shall distribute one copy to each candidate. R.S.O. 1950, c. 414, s. 76, *amended*.

(2) The returning officer, forthwith upon receipt of the list from the urban enumerators, shall cause it to be printed and such printing shall be completed not later than the eighth day before the sittings of the revising officer. Printing of preliminary list.

(3) The returning officer shall furnish twelve printed copies of the list for each urban polling subdivision to each candidate. Distribution to candidates.
New.

REGISTRATION AND REVISING DISTRICTS

64. Every returning officer, as soon as conveniently may be after the issue of a writ directed to him for the holding of an election, shall group together the urban polling subdivisions in the electoral district into as many combined registration and revising districts as circumstances require, subject to the approval of the board, and shall prepare descriptions of the boundaries of such districts. R.S.O. 1950, c. 414, s. 73, *amended*. Registration and revising districts.

APPOINTMENT OF REVISING OFFICER

65.—(1) The board shall appoint, from among its number, revising officers to hold sittings in the electoral district in which an election is to be held for the registration of voters and the revision of the lists for the urban polling subdivisions. R.S.O. 1950, c. 414, s. 81 (1), *amended*. Revising officer, appointment of.

(2) Wherever practicable, the revising officer so appointed shall be the judge or one of the judges of the county or district court or the acting judge of the said court; but where the county forms part of a district formed under *The County Judges Act*, a judge of any county included therein may be appointed revising officer. R.S.O. 1950, c. 414, s. 81 (2), *amended*. Idem. Rev. Stat., c. 76.

66. Where, owing to the number of sittings to be held or from any other cause, the board finds it impracticable for a judge to act as revising officer, the board may appoint one of its own number, being a barrister of at least five years standing, a magistrate, or some other fit and proper person having the like qualification, to act as revising officer. R.S.O. 1950, c. 414, s. 82. Where judge not available.

67. The board shall appoint one or more clerks to any revising officer as may be necessary, and such appointments Appointment of clerks to revising officer.

shall be made as soon as conveniently may be after the issue of the writ for the election, and notice of such appointment and of the location of his office shall be published in all newspapers having a general circulation in the electoral district. R.S.O. 1950, c. 414, s. 85.

Oath by
revising
officer except
the judge.

68. Every revising officer shall, unless he is a judge, be sworn to the faithful and impartial performance of his duties. R.S.O. 1950, c. 414, s. 86.

Additional
revising
officers may
be ap-
pointed.

69. If at any time the number of applications for registration and revision of the list at any registration and revising office is such that the revising officers cannot promptly dispose of them, the board may appoint additional revising officers or may provide clerical assistance for the revising officers acting thereat. R.S.O. 1950, c. 414, s. 87.

Board may
replace
revising
officers.

70. The board may at any time relieve any revising officer of his duties and appoint another to perform them, and any revising officer so relieved shall forthwith upon receiving written notice from the board of the appointment of a substitute for him deliver to the board or to such other person as the board may appoint all lists, notices and other papers in his possession as revising officer. R.S.O. 1950, c. 414, s. 99.

SITTINGS OF REVISING OFFICER

Board to
fix time and
place for
registration
and revision.

71. As soon as conveniently may be after the issue of a writ for the holding of an election to fill a vacancy in the Assembly, or after the dissolution or expiry of the Assembly, the Chief Election Officer shall fix the times and the board shall fix general locations at which sittings shall be held by the revising officers for the purpose of the registration of voters and revising the lists for urban polling subdivisions compiled and certified by the enumerators. R.S.O. 1950, c. 414, s. 79, *amended*.

Suitable
places for
sittings to
be obtained.

72. The returning officer shall select convenient places within the general locations fixed by the board in which the revising officers will sit, which places shall be properly furnished, lighted and heated, and he shall report thereon to the board. R.S.O. 1950, c. 414, s. 83, *amended*.

List to be
delivered to
revising
officers.

73. The returning officer shall furnish to the revising officers the original lists for each urban polling subdivision as prepared and certified by the enumerators. R.S.O. 1950, c. 414, s. 80, *amended*.

Notice of
sittings to
be given.

74. The board shall cause a notice of the sittings of the revising officers to be printed in such form as may be pre-

scribed by the board, and such notice shall be posted at least five days before the sittings in adequate numbers and in conspicuous places throughout the areas affected, and where possible, published in all newspapers having a general circulation in the electoral district, and before 9 a.m. on the day of registration and revision an additional five copies shall be posted up outside of and near to the place of registration and revision. R.S.O. 1950, c. 414, s. 84.

APPLICATIONS FOR REGISTRATION AND COMPLAINTS

75.—(1) Any person resident in any urban polling subdivision included in the registration district, whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such subdivision, may apply at the place of registration for the registration district to have his name included in the list or to cause the entry in the list relating to him to be corrected. R.S.O. 1950, c. 414, s. 89, *amended*. Who may apply to be registered or have correction made.

(2) Every person so applying shall sign an application (Form 27) in which all the information required by the form shall be sufficiently filled in, either by the applicant personally or by a revising officer at the applicant's request, and before entering the name of the person in the list of voters or before correcting the list, as the case may require, the revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have his name included in the list or to have the list corrected pursuant to his request. R.S.O. 1950, c. 414, s. 90. Application to be entered on list to be signed.

(3) If any person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected is unable personally to attend the registration and revising sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bona fide* absence from the municipality in which the registration area is included, then a relative of such person by blood or marriage or his employer may, if he has a sufficient knowledge of the facts, appear before the revising officer and complete the application (Form 27) to have such person's name included in the list of voters or to have the list corrected, as the case may be. R.S.O. 1950, c. 414, s. 94. Absence through sickness, etc., relative or employer may appear.

(4) If the relative by blood or marriage or the employer so appearing substantiates, Evidence to be produced by relative or employer.

(a) the cause for the non-appearance of the person immediately concerned to be as set out in subsection 3;

- (b) the existence of a relationship by blood or marriage or the relationship of employer and employee; and
- (c) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of the person to be included in the list, or to cause the list to be corrected, as the case may be,

the revising officer may act upon the application as if the person immediately concerned had appeared in person before him. R.S.O. 1950, c. 414, s. 95.

Re-enumeration of applicants in certain cases.

(5) At any time prior to the sitting of the revising officers in any registration and revising district any voter whose name is omitted from the list as prepared by the enumerators, or any person who has knowledge of the fact that the name or names of any other voter or voters have been so omitted, may so inform the returning officer in writing stating the names and addresses of the voters so omitted.

Idem.

(6) The returning officer shall, prior to the last day of the revision, cause an enumeration to be made of all voters of whom such notice has been given, and the enumerators shall visit the addresses and enumerate such voters and any other voters at those addresses whose names have been omitted from the list, and the returning officer shall transmit to the revising officer the names of such voters so enumerated and the revising officer shall, if there is no valid objection, add such names to the list.

Enumerators.

(7) The returning officer shall appoint enumerators for the purposes of subsection 6 from among those who have already acted as such for the pending election, or if necessary shall appoint others in the manner provided by section 61. *New.*

Procedure where complaint made for wrongful entry on list.

76.—(1) Within four days after the posting up of the urban polling subdivision lists by the enumerators as provided in section 63, any person whose name has been entered on any of the urban polling subdivision lists in the electoral district may file with the proper clerk of the revising officer appointed for the urban polling subdivision a complaint that there has been included in the list as compiled by the enumerators the name or names of persons who should not be entered therein, and such complaint shall be prepared according to Form 28 and shall set out the reason for complaining and shall be accompanied by an affidavit of the complainant (Form 29), and the same shall be filed with such clerk of the proper revising officer not later than the first day appointed for the sittings of the revising officer. R.S.O. 1950, c. 414, s. 77, *amended.*

Revising officer's clerk to notify voter of complaint.

(2) Upon such complaint and affidavit being received by the clerk of the revising officer, he shall forthwith, and not

later than the first day of the sittings of the revising officer, transmit, by registered post addressed to the person objected to at the address mentioned in the list of voters as compiled by the enumerator, a notice (Form 30) requiring such person to appear in person or by representative before the revising officer on a day to be named in the notice to answer the complaint made. R.S.O. 1950, c. 414, s. 78.

(3) In the case of any objection or complaint to the inclusion of a name in the list of voters of which notice has been given under subsection 2, the onus of establishing the validity of the objection shall rest upon the objecting person and shall be discharged either by proper evidence that the name of the person objected to should not be included in the list of voters, or by the production of a post office certificate of the registration of the package containing the notice of objection and by the production of the package itself having upon it a record by the post office indicating that it could not be delivered. R.S.O. 1950, c. 414, s. 102, *amended*.

77.—(1) Any person whose name appears in the list of voters for any urban polling subdivision in the electoral district or the registration district for which the revising officer has been appointed may on the first day of the sittings only make oath before the revising officer giving particulars,

Objections
by persons
on list to
names ap-
pearing
thereon.

- (a) of the list upon which his name appears;
- (b) stating that he is qualified to vote in the electoral or registration district; and
- (c) alleging the death, disqualification, or real residence and appearance on another list, of any person on the list for any of the urban polling subdivisions in the registration district for which the revising officer has been appointed.

(2) The revising officer, upon such oath being made before him (Form 31), shall cause to be transmitted by registered post addressed to the person objected to at the address mentioned in the list of voters and also at such other address, if any, as may be mentioned in the oath aforesaid, a notice (Form 30) requiring such person to appear in person or by his representative before him or any revising officer who is on duty at such revising office, on a day to be named in the notice, to establish his qualification as a voter, and the revising officer shall transmit, with each copy of the notice, a copy of the oath of the voter making the objection. R.S.O. 1950, c. 414, s. 96, *amended*.

Notice to
person
objected to.

(3) In the case of any objections made on oath before a revising officer under this section, of which notice has been

Procedure
dealing with
objections
to name on
list.

properly given by a revising officer under subsection 2, the onus of establishing his right to have his name included in the list of voters shall be upon the person objected to, and if the person does not, during the sittings on the day for which notice of the hearing of the objection has been given, appear before the revising officer, personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom whether or not the voter by whom the objection was made has appeared before him. R.S.O. 1950, c. 414, s. 101, *amended*.

POWERS AND DUTIES OF REVISING OFFICERS

Jurisdiction
of revising
officer.

78. At the sittings for revision, the revising officer shall have jurisdiction to dispose and shall dispose,

- (a) of applications made by persons to have their names included in the lists, or to have the lists corrected;
- (b) of applications by relatives or employers;
- (c) of complaints filed under section 76 with any clerk of any revising officer, notice of which has been given to the party objected to as provided in that section; and
- (d) of objections on oath made before a revising officer under section 77 of which a revising officer has given notice as provided in that section. R.S.O. 1950, c. 414, s. 100, *amended*.

Powers of
revising
officer.

79. For the due performance of his duty, a revising officer appointed under this Part shall have and possess all the powers of a judge sitting for the hearing of complaints under Part I. R.S.O. 1950, c. 414, s. 81 (3).

Revising
officer to
enter name
when satis-
fied appli-
cant is
qualified.

80. If it appears to the revising officer that the applicant understands the effect of the statements in the application (Form 27) and that the applicant's name should be included in the list or that the amendment thereof which he requests should be made, he shall certify accordingly by signing the application. R.S.O. 1950, c. 414, s. 92.

Procedure
where ap-
plication
refused.

81. If, in the opinion of the revising officer, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list or to have the list amended as requested, he shall advise the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. R.S.O. 1950, c. 414, s. 93.

82. The name of a person shall not be removed from the enumerators' list by the revising officer unless he is satisfied on oath that due notice of complaint has been given to the person or that the person could not be found and the registered notice could not be delivered. R.S.O. 1950, c. 414, s. 103, *amended*. Name not to be struck off without notice.

83. The revising officer shall not remove any name from the enumerators' list or make any other changes therein except upon evidence under oath. R.S.O. 1950, c. 414, s. 104. Evidence required.

84. During the sittings, each revising officer shall enter in the proper urban polling subdivision list in his registration district the names, addresses and occupations of such voters as are added by him to the list and such other corrections as are made, and shall certify each amendment of the list so made by appending thereto his initials and a note of the date of the amendment. R.S.O. 1950, c. 414, s. 97, *amended*. Additions and corrections to be entered on the proper list.

85.—(1) Forthwith after the conclusion of the sittings, the revising officer shall certify the list of each urban polling subdivision as finally revised by him, and shall as soon as possible transmit the list together with a certified statement of changes and additions to the returning officer. R.S.O. 1950, c. 414, s. 105 (1), *amended*. Transmission of lists to returning officer.

(2) The lists as so revised and certified together with the statements of changes and additions shall be the proper lists to be used in preparing the urban polling lists for the election. R.S.O. 1950, c. 414, s. 105 (2), *amended*. Lists so revised to be lists for the election.

86. The revising officers shall permit to be present in the place of registration and revision not more than two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the revising officer, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88. Representatives of recognized political interests may be present.

87. When the language of the applicant is not understood by the revising officer, an interpreter may be sworn and may act; but in the event of inability to secure an interpreter, the application shall, for the time being, be refused. R.S.O. 1950, c. 414, s. 91. Interpreter may be engaged.

88. Every revising officer, while sitting as such, shall have and may exercise the powers of a justice of the peace, and he may appoint, if necessary, constables for the maintenance of order and for the arrest and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance. R.S.O. 1950, c. 414, s. 98, *amended*. Revising officer a conservator of the peace. Power to appoint constables in special cases.

COPIES

Printed
copies of
statements of
changes.

89.—(1) The returning officer, forthwith upon receipt of the statements of changes and additions from the revising officers, shall cause them to be printed and such printing shall be completed not later than the eighth day before polling day.

Certification
of true
copies of
statement.

(2) Every printed copy of the statement shall have printed thereon a certificate of the returning officer that such copy is a true copy of the statement as prepared by the revising officer. R.S.O. 1950, c. 414, s. 107, *amended*.

Printed
copies to be
furnished
candidates.

90. The returning officer shall furnish twelve printed copies of the statement of changes and additions for each urban polling subdivision to each candidate. R.S.O. 1950, c. 414, s. 108, *amended*.

Printed
lists with
statement
to be
official list.

91. The printed list together with the statement of changes and additions for the urban polling subdivision as so certified by the returning officer shall be the official list for the urban polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the revising officer is discovered after the completion of the printing, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the printed list and statement shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, *amended*.

PREPARATION AND REVISION OF PROVINCIAL LISTS IN RURAL POLLING SUBDIVISIONS

ENUMERATION

Appoint-
ment of
enumerator.

92. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 32) for each rural polling subdivision in the electoral district one person to be the enumerator of the voters in such subdivision and to prepare a list thereof, and shall require each such person to take the oath (Form 33). *New*.

Notice of
revision and
registration.

93. Every enumerator shall forthwith on his appointment post up in public places in the rural polling subdivision at least three copies of a notice (Form 34) that he is about to prepare a list of qualified voters in the polling subdivision, which list will be revised and corrected by him on a stated date at a stated place where he will be found between 10 a.m. and 10 p.m. *New*.

Preliminary
list.

94.—(1) The enumerator of each rural polling subdivision shall, immediately after posting up the notice as required by section 93, proceed to prepare a preliminary list (Form 25) under headings of names of streets where possible and in

order of street numbers in subdivisions where street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

(2) Such list shall be prepared from such information as *Idem.* the enumerator may be able to secure by means of,

- (a) a house-to-house canvass;
- (b) reference to the first part of the voters' list prepared pursuant to Part I, if any; and
- (c) such other sources as may be available to him. *New.*

95.—(1) Every enumerator shall exercise the utmost care Enumerator to exercise care. in the preparation of the list of electors for the rural polling subdivision for which he has been appointed.

(2) He shall take all necessary precautions to ensure that *Idem.* his list, when complete, contains the name, address and occupation of every person who is qualified as a voter in the polling subdivision and that it does not contain the name of any person who is not so qualified. *New.*

96.—(1) The enumerator of each rural polling subdivision, Certification and posting up of preliminary list. immediately after the completion of the preliminary list and not later than four days from the date of his appointment, shall certify such preliminary list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer, and one copy at the place within the polling subdivision at which he may be found pursuant to section 93, for public inspection, and the returning officer shall distribute one copy to each candidate.

(2) The returning officer, forthwith upon receipt of the list Printing and distribution of preliminary list. from the enumerator shall cause it to be printed and shall furnish twelve printed copies of the list for each rural polling subdivision to each candidate. *New.*

REVISION

97. The returning officer shall furnish every rural enumerator with two printed copies of the preliminary list of voters Returning officer to furnish copies for revision. for the rural polling subdivision for which he has been appointed. *New.*

98. The enumerator shall attend at the time and place mentioned in the notice posted up pursuant to section 93 Revision of preliminary list. for the purpose of the registration of voters and the revision of the list. *New.*

Representatives of recognized political interests may be present.

99. The enumerator shall permit to be present in the place of revision not more than two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the enumerator, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88, *amended*.

Enumerator to make proper changes.

100. At any time after the enumerator has posted up his preliminary list, and particularly between 10 a.m. and 10 p.m. on the date and at the place stated for the revision of the list in the notice posted by him pursuant to section 93, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him requires amendment as hereinafter mentioned, the enumerator shall,

- (a) add to such list the name of any person who is qualified as a voter in the rural polling subdivision at the election then pending, but whose name has been omitted from the preliminary list; or
- (b) strike out from such list the name of any person who is not qualified as a voter in such polling subdivision; or
- (c) correct any inaccurate statement as to the name, address or occupation of any person whose name properly appears in such list. *New*.

Corrections in ink and initialled.

101. Any change or correction made by the enumerator in the preliminary list of electors shall be made with ink and shall be initialled and dated by him in the margin of the list opposite the change or correction. *New*.

Certification of revised list.

102.—(1) Forthwith after the conclusion of the revision, the enumerator shall certify the list of the rural polling subdivision for which he has been appointed, as finally revised by him, and shall as soon as possible transmit the list to the returning officer.

Polling lists.

(2) The list as so revised and certified shall be the proper list to be used in preparing the polling lists for the election. R.S.O. 1950, c. 414, s. 105, *amended*.

COPIES OF LISTS

Certification of polling lists.

103. Every polling list shall have endorsed thereon a certificate of the returning officer that such list is a true copy of the list as finally revised by the enumerator. R.S.O. 1950, c. 414, s. 107, *amended*.

Polling list to be official list.

104. The polling list for the rural polling subdivision as so certified by the returning officer shall be the official list for

the rural polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the enumerator is discovered, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the list shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, *amended*.

GENERAL

105. Any copies of lists or of statements of changes or additions in any list required by this Part to be distributed to the candidates may be distributed to the official agents of the candidates who have been nominated as such at the pending election, if any. R.S.O. 1950, c. 414, s. 110, *amended*. Distribution of lists to candidates.

106. Every enumerator who wilfully neglects, omits or refuses to perform any of the duties imposed on him by this Act or the regulations shall, for each omission, neglect or refusal be guilty of an offence and on summary conviction shall be liable to a penalty of \$200, and in addition thereto shall forfeit his right to payment for any services already rendered. *New*. Failure of enumerator.

107. The returning officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in his place and stead and, upon receiving notice in writing from the returning officer of his replacement, the enumerator so replaced shall forthwith deliver to the returning officer his credentials and all papers and materials supplied to him. *New*. Replacement of enumerator.

REGULATIONS

108. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing the forms, notices and other documents to be used for the purposes of this Part;
- (b) respecting the duties of the clerk of the board, the enumerators and all other clerks and officers appointed or acting under this Part;
- (c) respecting the books and other records to be kept of the proceedings of the board, the enumerators and the revising officers;
- (d) fixing the fees to be payable to the board, the enumerators and the revising officers and clerks for services performed, the witness fees and costs, if

any, the costs of any premises used for the purpose of registration or revision, and the cost of printing the lists, and any other costs incurred in connection therewith, and prescribing the manner in which and by whom they shall be borne and paid;

- (e) fixing the times in connection with the preparation of any list where no other provision in this Part has been made;
- (f) for giving directions as to any matter in connection with the preparation or revision of lists under this Part which is not expressly provided for therein; and
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 414, s. 111.

PART IV

Rev. Stat.,
c. 414, re-
pealed.

109. *The Voters' Lists Act* is repealed.

Commence-
ment.

110. This Act shall come into force on the day it receives the Royal Assent.

Short title.

111. This Act may be cited as *The Voters' Lists Act, 1951*.

SCHEDULE

FORM 1

*The Voters' Lists Act, 1951**Sections 7 (1), 8 (1)*

FORM OF VOTERS' LIST

Voters' List, 19..... of.....
(municipality)

SCHEDULE OF POST OFFICES

1. North Augusta.
 2. Maitland.

3. Wright's Corners.
 4. Prescott.

POLLING SUBDIVISION NO. 1, COMPRISING, ETC.:—(*Giving the Limits*)

PART I—Persons entitled to vote at BOTH Municipal Elections
 and Elections to the Legislative Assembly

Name	Con- di- tion	Lot or street number	Concession number or street name		Post Office address	Jurors' Col.	If Sep. School Sup- porter
Kelly, Patrick....	M	1	Spruce St.	Owner	1		S
Phillips, Frederick	B	3	" "	Tenant	1		
Murray, Alma...	MW	5	" "	M.F.N.C.	1		

(*or where council has directed alphabetical arrangement*)

Anderson, Henry.	M	N W ½ 6	3	Owner	1		S
Andrews, John...	B	W 14 acr. 8	1	F.S.	4		
Archer, Mary....	MW	2	9	M.F.N.C.	4		S
Burton, Samuel..	W'er	E ½ 17	4	See Subdiv. No.	2		
Clark, Edith.....	W	W ½ 17	4	Tenant	5		

PART II—Persons entitled to vote at Municipal Elections ONLY

Name	Lot or street number	Concession number or street name		Post Office address	If Sep. School Supporter
Jones, Douglas.....	2	Spruce St.	Owner	1	
Williams, John.....	4	" "	Tenant	1	S
Andrews, Mary.....	6	" "	M.F.N.C.	1	

(*or where council has directed alphabetical arrangement*)

Archer, Henry.....	4	3	M.F.N.C.	2	
Burke, Edmund.....	W ½ 17	4	Tenant	3	
Jones, David.....	E ½ 17	4	Owner	4	S

POLLING SUBDIVISION NO. 2, COMPRISING, ETC.:—(*Giving the Limits*)

(NOTE: In the Column headed "Condition" insert the initial letter or letters
 "M" (Married); "M.W." (Married Woman); "S" (Spinster);
 "W" (Widow); "W'er" (Widower); "B" (Bachelor), according to
 the circumstances.)

R.S.O. 1950, c. 414, Sched., Form 1, amended.

FORM 2

*The Voters' Lists Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON PART I OF THE VOTERS' LIST

I, A. B., Clerk of the.....of....., in the County of....., certify that the within (*or* above) list being the first part of the voters' list constitutes a correct list for the year 19.... of all persons appearing by the assessment roll to be entitled to vote at both elections for members of the Legislative Assembly and municipal elections in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this.....day of....., 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 2.

FORM 3

*The Voters' List Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON PART II OF THE VOTERS' LIST

I, A. B., Clerk of the.....of....., in the County of....., certify that the within (*or* above) list being the second part of the voters' list constitutes a correct list for the year 19.... of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this.....day of....., 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 3.

FORM 4

*The Voters' Lists Act, 1951**Section 12*

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST

Voters' List, 19....,of....., County of.....

Notice is hereby given that I have complied with section 9 of *The Voters' Lists Act, 1951*, and that I have posted up at my office at....., on the.....day of....., 19...., the list of all persons entitled to vote in the said Municipality at municipal elections and that such list remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law, the last day for appeal being the.....day of....., 19....

Dated this.....day of....., 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 4.

FORM 5

*The Voters' Lists Act, 1951**Section 13 (5)*AFFIDAVIT IN SUPPORT OF APPLICATION FOR NAME TO BE
PLACED ON REVISED LIST

I,, of the.....of....., in the County
of....., make oath and say:—

1. That I am (*or that*.....*is to the best of my personal knowledge*) a British subject of the full age of 21 years, and not a citizen or a subject of any foreign country.

2. That on the.....day of....., 19.... (*Fill in the last day for making complaint to the county judge*), I will have (*or the said*.....*will have*) resided in Canada for the twelve months next preceding that day and that I am (*or the said*.....*is*) a resident of this municipality.

3. That I am (*or the said*.....*is*) entitled to be entered on the voters' list for the.....of.....

4. That I am not (*or that the said*.....*is not*) disqualified under *The Election Act, 1951*, or otherwise by law prohibited from voting at elections for the Legislative Assembly.

Sworn before me at the..... }
of.....in the County of..... }
this.....day of....., 19.... }

A Commissioner, etc.

R.S.O. 1950, c. 414, Sched., Form 5, *amended*.

FORM 6

*Sections 14 (1), 16 (1)**The Voters' Lists Act, 1951*

NOTICE OF COMPLAINT OR APPEAL

Polling Subdivision No. Ward No. of
(*municipality*)

(*This notice must not apply to the lists for more than one polling subdivision*)

To....., Clerk of the..... for the
.....of.....

I (*Insert full name—No initials*), a person entered or entitled to be entered on the voters' list in the above-mentioned municipality in the electoral district of....., complain that the persons whose names are set forth in List No. 1, are entitled to be on the voters' list for the above-mentioned polling subdivision, but are omitted from the said list; that the persons whose names are set forth in List No. 2 are incorrectly described in the said list; that the persons whose names are

set forth in List No. 3 ought not to have been entered on the voters' list for the above-mentioned polling subdivision; and take notice that I intend to apply to the Revising Officer in respect thereof pursuant to the statute in that behalf.

(Signed).....

Dated this.....day of....., 19....

LIST No. 1

(Showing voters omitted from or not entered on the Voters' List)

NAMES OF PERSONS	ADDRESS	CONDITION (Here write letters: "M." meaning Married; "B." meaning Bachelor; "W'er" meaning Widow; "M.W." meaning Married Woman; "S." meaning Spinster; "W." meaning Widow; "S.F." meaning Soldier's Franchise.)
<i>Insert full name and do not use initials.</i>		

LIST No. 2

(Showing persons whose names are wrongly stated in Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	The Errors in Statement upon Voters' List
<i>Insert name as entered on list.</i>		

LIST No. 3

(Showing persons whose names ought not to be on Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	Grounds on Which Such Persons' Names Ought Not to be on the Voters' List
<i>Insert name as entered on list.</i>		

Schedule

1	2	3
NAME OF COMPLAINANT	ERRORS OR OMISSIONS COMPLAINED OF	DATE WHEN NOTICE OF COM- PLAINT RECEIVED BY CLERK

R.S.O. 1950, c. 414, Sched., Form 7.

FORM 8

The Voters' Lists Act, 1951

Section 16 (3)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND
APPEALS

To....., Clerk of the.....of.....

I appoint the.....of....., 19...., at the
hour of.....at.....in the said county, for holding a
court to hear and determine the several complaints of errors and omissions
in the first and second parts of the voters' list for the.....
of.....for 19....

I direct that the Assessor for the Municipality shall attend the sittings
of the said court, and that the assessment roll and the minutes of the Court
of Revision for the Municipality for 19.... be produced thereat.

Dated this.....day of....., 19....

Judge C. C.

R.S.O. 1950, c. 414, Sched., Form 8.

FORM 9

The Voters' Lists Act, 1951

Section 16 (3)

NOTICE TO BE POSTED BY CLERK ON HIS OFFICE WITH LIST OF
COMPLAINTS

Notice is hereby given that a court will be held, pursuant to *The Voters'
Lists Act, 1951*, at....., on the.....day of
....., 19...., at.....o'clock,.....for hearing
all complaints made against the first and second parts of the voters' list
for the.....of.....for 19...., particulars of which
complaints are shown in the subjoined schedule.

Dated this.....day of....., 19....

A. B.,
Clerk of.....

Schedule

NAME OF PARTY COMPLAINING	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE	GROUNDS OF COMPLAINT ALLEGED

R.S.O. 1950, c. 414, Sched., Form 9.

FORM 10

*The Voters' Lists Act, 1951**Section 16 (3)*

CLERK'S NOTICE TO PARTY COMPLAINING

You are hereby notified that a Court of Revision of the first and second parts of the voters' list, 19...., for the.....of..... will be held by the Judge of the County Court of the County of....., at....., on the.....day of....., 19...., at..... o'clock, at which court all complaints will be heard and determined. A list of complaints is posted up in.....and you are hereby required to appear at the court; and take notice that the Judge may proceed to hear and determine the complaints whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of.....

Dated this.....day of....., 19....

To.....

A person complaining of error in the voters' list.

A.B.,

*Clerk of the said Municipality, and
.....of the Court*

R.S.O. 1950, c. 414, Sched., Form 10.

FORM 11

*The Voters' Lists Act**Section 16 (3)*

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST

You are hereby notified that a Court of Revision of the first and second parts of the voters' list, 19...., for the.....of.....

will be held by the Judge of the County Court of the County of.....
, at....., on the.....day of....., 19...., at.....
 o'clock, and you are required to appear at the court, for that.....
 has complained that your name.....is wrongly omitted (*or*
inserted as the case may be) in the said voters' list because (*state matter*
of complaint concisely). A list of all complaints lodged is posted up in
; and take notice that the Judge may proceed to
 hear and determine the said complaint whether you appear or not.

By order of His Honour the Judge of the County Court of the County
 of.....

To.....
 Entered on voters' list.

A. B.,
Clerk of the said Municipality, and
.....of the Court

R.S.O. 1950, c. 414, Sched., Form 11.

FORM 12

The Voters' Lists Act, 1951

Section 17 (1)

SUBPOENA



ONTARIO:

County of.....
 To Wit:

{ GEORGE THE SIXTH, by the Grace of
 God, of Great Britain, Ireland and the
 British Dominions beyond the Seas,
 King, Defender of the Faith.

To.....Greeting:

We command you, that, all excuses being laid aside, you be and appear
 in your proper person before our Judge of our County Court of the County
 of....., at....., on the.....day of.....,
 19...., at.....o'clock in the.....noon, at a court appointed,
 and there and then to be held, for hearing complaints of errors in the
 voters' list for 19.... of the.....of.....in the
 County of....., and for revision of the said voters' list, then
 and there to testify to all and singular those things which you know in a
 certain matter (*or matters*) of complaint made and now depending before
 the said Judge, under *The Voters' Lists Act, 1951*, where one.....
 is complainant, and which complaint is to be tried at the said court. (*And*
if the witness is required to produce documents) that you bring with you and
 produce at the said time and place (*Set out the documents to be produced*).
 Herein fail not.

Witness, His Honour....., Judge of our said Court at
, the.....day of....., in the
 year of our Lord 19....

A. B.,
Clerk

R.S.O. 1950, c. 414, Sched., Form 12.

FORM 13

*The Voters' Lists Act, 1951**Section 20 (1)*REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER
SECTION 20

To the Clerk of the Peace of the County of.....

I,, Clerk of the.....of.....,
in the County of....., do hereby certify as follows:

That I did, on the.....day of....., 19....,
post up, and for a period of.....days next thereafter did keep posted
up in a conspicuous place in my office at....., a correct printed
copy of the first and second part of the voters' list for the.....of
.....for 19...., made in pursuance of *The Voters' Lists
Act, 1951*, with the certificate required by section 10 of that Act endorsed
thereon.

That I did also deliver or transmit by post the required number of
similar printed copies of the list, with my certificate endorsed, to each of
the persons entitled thereto under section 9 of the said Act.

That I did on the.....day of....., 19....,
cause to be inserted in the newspaper called the ".....",
published in.....the notice required by section 12 of that Act.

That no person gave me nor did I receive, within 14 days after I had
posted up the list in my office, any written notice of complaint or intention
to apply to the Judge in respect to the list.

And to the best of my knowledge and belief, I have complied with all
the requirements of that Act, so as to entitle me to apply for certified
copies under section 20, and I now apply to you to certify the requisite
number of the copies of the list received by you as being the revised list
of voters for the municipality of the said.....
of.....for 19....

Witness my hand this.....day of....., 19....

Clerk of the.....of.....
.....P.O.

R.S.O. 1950, c. 414, Sched., Form 13.

FORM 14

*The Voters' Lists Act, 1951**Section 20 (1)*

CERTIFICATE WHERE NO COMPLAINTS

A. B., Clerk of the.....of.....having
certified under his hand that no complaints respecting the first or second
parts of the list of voters for the said Municipality, for the year 19....,
had been received by him within 14 days after the first posting up of the
same; and on application of the Clerk:

I,, Clerk of the Peace of the
County of.....in pursuance of the provisions of *The
Voters' Lists Act, 1951*, certify that the first and second parts of the
annexed printed list of voters, being one of the copies received by me from

the clerk under section 9 of that Act, is the last revised list of persons entitled to vote at elections to the Assembly as well as at municipal elections, and that the second part of the said annexed list is the last revised list of persons entitled to vote at municipal elections only in the said municipality for the year 19.....

Given under my hand at....., 19.....
this.....day of....., 19.....

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 14.

FORM 15

The Voters' Lists Act, 1951

Section 21 (1)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

I,, Judge of the County Court of the County of pursuant to section 21 of *The Voters' Lists Act, 1951*, do hereby certify that the above (*as the case may be*) is a correct copy of the statement of changes made by me in the first and second parts of the list of voters, for the year 19...., received by me from the Clerk of the.....of....., pursuant to the said Act.

Dated this.....day of....., 19.....

Judge

R.S.O. 1950, c. 414, Sched., Form 15.

FORM 16

The Voters' Lists Act, 1951

Section 21 (3)

CERTIFICATE OF CLERK OF THE PEACE WHEN
COMPLAINTS HAVE BEEN MADE

I,, Clerk of the Peace of the County of pursuant to section 21 of *The Voters' Lists Act, 1951*, do hereby certify that the above (*as the case may be*) is a correct copy of the statement of changes made by His Honour, Judge Judge of the County Court of the County of in the first and second parts of the list of voters for the year 19...., as certified by the said Judge.

Dated this.....day of....., 19.....

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 16.

FORM 17

The Voters' Lists Act, 1951

Section 21 (4)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

I,, Judge of the County Court of the County of pursuant to subsection 4 of section 21 of *The Voters' Lists Act, 1951*, do

hereby certify that the above (*as the case may be*) is a correct copy of the first and second parts of the list of voters for the year 19...., received by me from the clerk of the.....of....., according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated this.....day of....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 17.

FORM 18

The Voters' Lists Act, 1951

Section 35 (1)

ORDER FOR PAYMENT OF COSTS

In the matter of the voters' list for the.....of....., 19...., on the complaint or appeal of *A. B.*, complaining of the name of *C. D.* being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint*).

On the proceedings taken before me I find and adjudge that the name of the said *C. D.* was rightly inserted in the said list (*or was wrongly inserted in the said list*), and order that the said *A. B.* do pay the said *C. D.* his costs occasioned by the said complaint (*or and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint*) (*or and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint*) (*or, as the case may be, stating it in brief*), which I fix at the sum of \$.....

Dated this.....day of....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 18.

FORM 19

The Voters' Lists Act, 1951

Section 38

WRIT OF EXECUTION

In the.....Division Court in the County of.....

Whereas on the.....day of....., His Honour,, Judge of the County Court of the County of..... made his order that *C. D.* should pay to *A. B.* dollars as and for his costs sustained by him on the trial of a complaint against the voters' lists for the.....of..... in the said County, for 19...., (*or as the case may be*) made and prosecuted under the provisions of *The Voters' Lists Act, 1951*, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said *C. D.*, in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within 30 days from the date hereof and pay the same over to the Clerk of this Court for the said *A. B.*

Given under the seal of the Court, this..... day of, 19....

X. Y.,
Clerk

To V. W.,
Bailiff of the said Court.

R.S.O. 1950, c. 414, Sched., Form 19.

FORM 20

*The Voters' Lists Act, 1951**Section 43 (1)*

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK

Pursuant to section 43 of *The Voters' Lists Act, 1951*, I, *A. B.*, Clerk of the Peace of the County of....., (or a person entitled to be entered on the voters' list for the..... of....., for 19....), hereby inform His Honour the Judge of the County Court of the said County, that *C. D.*, Clerk of the..... of....., in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the list of voters for 19.... for the said Municipality, within 30 days after the return of the assessment roll thereof (or has not delivered or transmitted copies of the voters' list for the said Municipality, for 19...., to..... and..... and..... or to any of them) (or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at....., this.....day of....., 19....

A. B.,
Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 20.

FORM 21

*The Voters' Lists Act, 1951**Section 43 (3)*

SUMMONS

In the matter of the voters' list for the..... of....., in the County of....., for 19....

Whereas it appears by the application of *A. B.*, the Clerk of the Peace of the said County (or a person entitled to be entered on the said list), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the list of voters for 19.... for the said Municipality, within 30 days after the return of the assessment roll thereof (or as the case may be, following the application); and whereas the said *A. B.* has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at..... in....., on the.....day of....., 19...., at the hour of....., and produce before me the assessment roll for 19.... for the said Municipality, and any documents in your custody, power or control, relating to the assessment roll, or to the list aforesaid; and submit yourself for examination on oath.

Dated this.....day of....., 19....

To *C. D.*,
Clerk of the Municipality of.....

Judge

R.S.O. 1950, c. 414, Sched., Form 21.

FORM 22

The Voters' Lists Act, 1951

Section 58

APPOINTMENT OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

To (*insert name of enumerator*).
Whose address is (*insert address*).
And whose occupation is (*insert occupation*).

Know you that in pursuance of the authority given by section 58 of *The Voters' Lists Act, 1951*, I, the undersigned, in my capacity as Returning Officer for the Electoral District of..... do hereby appoint you to be one of the enumerators for Polling Subdivision No..... of the said Electoral District, to act as such enumerator in accordance with Part III of *The Voters' Lists Act, 1951*, and to perform and have all the duties and powers imposed upon or exercisable by an enumerator under the said Act.

Given under my hand this.....day of.....

.....
Returning Officer

R.S.O. 1950, c. 414, Sched., Form 22, *amended*.

FORM 23

The Voters' Lists Act, 1951

Section 58

OATH OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

I, the undersigned (*insert name of enumerator*) appointed one of the enumerators for Polling Subdivision No..... of the Electoral District of....., do solemnly swear (*or affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator

R.S.O. 1950, c. 414, Sched., Form 23.

FORM 24

The Voters' Lists Act, 1951

Section 62 (1)

ENUMERATORS' RECORD FORM

The following name will appear on the list of persons entitled to vote at the forthcoming election of a member to the Assembly in Polling Subdivision No..... of the Electoral District of.....

Name.....

Address.....

Occupation.....

.....
Enumerator

.....
Enumerator

New.

FORM 25

The Voters' Lists Act, 1951
Sections 62 (1), 63 (1), 94 (1)

VOTERS' LIST FORM FOR USE OF ENUMERATORS

Electoral District.....
 Polling Subdivision No.....
 Name of Street.....

No.	Name (family or surname first)	Occupation or addition	Residence Street and No.	Remarks
-----	--------------------------------------	------------------------------	--------------------------------	---------

(NOTE: *The list shall be made up in the order of street numbers where there is street numbering in effect and in alphabetical order elsewhere.*)

R.S.O. 1950, c. 414, Sched., Form 24, amended.

FORM 26

The Voters' Lists Act, 1951
Section 62 (4)

NOTICE OF INABILITY TO OBTAIN INFORMATION
 FOR PURPOSES OF REGISTRATION

Take notice that the enumerators appointed under Part III of *The Voters' Lists Act, 1951*, attended at the premises known as.....
 between 9 a.m. and 6 p.m. on....., the.....day
 of....., and between 7 p.m. and 10 p.m. on.....
 the.....day of....., but were unable to secure
 all the information necessary to ensure that they have obtained the names
 of all persons residing therein who may be qualified to vote at the forth-
 coming election of a member of the Assembly.

Information relating to the sittings of the revising officer at which any
 complaint that the name of a voter has been omitted from the voters' list
 will be heard may be obtained at.....

.....
Enumerator

.....
Enumerator

New.

FORM 27

*The Voters' Lists Act, 1951**Sections 75 (2, 3), 80*

APPLICATION FOR REGISTRATION

Electoral District of.....

This application relates to

Surname.....
 First name.....
 Occupation.....
 Address and residence.....

Statement of Facts

1. The above-named was resident in this Electoral District at (*set out his address*) at the date of the issue of the writ of election.
2. The said person is a British subject of the full age of 21 years.
3. The said person has been resident in Ontario during the last 12 months next preceding the day of polling.
4. The said person is not disqualified as a voter for any reason.
5. The said person is accordingly entitled to vote at the pending election of a member to serve in the Legislative Assembly, for this Electoral District, and is entitled to be entered on the Voters' List as a qualified voter.

Declaration and Request of Applicant in Person

I declare that I am the person above described and that the above statement of facts is correct, and I request that my name be entered in the list of voters for Polling Subdivision No..... in this Electoral District.

Dated this.....day of....., 19.....

.....
*Signature of Applicant**Alternative Declaration and Request of Relative or Employer.*

I declare that I am the (*insert "relative" or "employer"*) of the person above described, that I believe the above statement of facts to be correct, and that the person above described is unable to attend in person for the purpose of making this application by reason of sickness or disability, or by reason of necessary, temporary, unavoidable and *bona fide* absence from the municipality.

I request that the name of the person above described be entered in the list of voters for Polling Subdivision No..... in this Electoral District.

Dated this.....day of....., 19.....

.....
*Signature of Employer or Relative*R.S.O. 1950, c. 414, Sched., Form 29, *amended*.

FORM 28

*The Voters' Lists Act, 1951**Section 76 (1)*

LIST OF COMPLAINTS OF PERSONS WRONGFULLY REGISTERED

Registrations Complained Against

Electoral District.....

Polling Subdivision No.....

Name (family or surname first)	Occupation or addition	Residence Street and No.	Reasons for Complaint
--------------------------------------	------------------------------	--------------------------------	-----------------------------

And on the last page insert

Dated this.....day of....., 19....

Signature of Complainant

R.S.O. 1950, c. 414, Sched., Form 26.

FORM 29

*The Voters' Lists Act, 1951**Section 76 (1)*AFFIDAVIT VERIFYING LIST OF COMPLAINTS OF PERSONS
WRONGFULLY REGISTERED

Electoral District.....

Polling Subdivision No.....

I (insert name of complainant) of the.....of.....
make oath and say:

1. I have been entered as a voter by the enumerators in Polling Subdivision No.....for the Electoral District of....., and my name appears on the list of voters prepared by the said enumerator as entitled to vote at the pending election.

2. That there have been included in the list of voters prepared by the enumerator for Polling Subdivision No.....in the Electoral District of....., the persons whose names are set out in the attached list of complaints.

3. That I have good reason to believe and do verily believe that the said names should not appear upon the said list of voters for Polling Subdivision No.....in this Electoral District upon grounds which I will produce before the Revising Officer.

Sworn before me at the.....

of.....

in the County or District of.....

this.....day of.....

*Signature of Complainant**A Commissioner, etc.*

R.S.O. 1950, c. 414, Sched., Form 27.

FORM 30

*The Voters' Lists Act, 1951**Sections 76 (2), 77 (2)*

NOTICE TO VOTER OBJECTED TO

Electoral District.....

Polling Subdivision No.....

To (set out name, address and occupation of voter as in list compiled by the enumerator).

Take notice that a complaint has been filed with me alleging that your name entered upon the list of voters by the enumerator of Polling Subdivision No.....in the Electoral District of.....has been wrongly entered thereon, for the following reason (*set out grounds of complaint*).

If you desire to appear before the Revising Officer to substantiate your right to have your name remain on such list of voters, you must appear before the Revising Officer appointed to revise the list at his sitting held at (*insert the date and hour and place of one of the days appointed for the sittings*).

If you or your representative do not appear before the Revising Officer and establish before him your right to have your name remain on the said list and answer such complaint, the Revising Officer will proceed to hear under oath the evidence as to the complaint, and if satisfied that your name should not remain on such list, he shall strike the same therefrom.

This notice is given pursuant to section 76 (or 77) of *The Voters' Lists Act, 1951*.

Dated at....., this.....day of....., 19.....

.....
*Clerk to Revising Officer*R.S.O. 1950, c. 414, Sched., Form 28, *amended*.

FORM 31

*The Voters' Lists Act, 1951**Section 77 (2)*

AFFIDAVIT AS TO DISQUALIFICATION OF PERSON REGISTERED

Electoral District.....

Polling Subdivision No.....

I (*insert name of complainant*) of the.....of.....make oath and say:

1. I have been entered as a voter by the enumerators in Polling Subdivision No.....for the Electoral District of.....and my name appears on the list of voters prepared by the said enumerators as entitled to vote at the pending election.

2. That there has been included in the list of voters prepared by the enumerators for Polling Subdivision No.....in the Electoral District of.....the name of.....as residing at.....

3. That I have good reason to believe and do verily believe that the said name should not appear upon such list because (*here state reason; see clause c of subsection 1 of section 77*) upon grounds which I will produce before the Revising Officer.

Sworn before me at the.....
of.....
in the County (*or District*) of.....
this.....day of.....

.....
Signature of Complainant

.....
A Commissioner, etc.

New.

FORM 32

The Voters' Lists Act, 1951

Section 92

APPOINTMENT OF ENUMERATOR IN RURAL POLLING SUBDIVISIONS

To (*insert name of enumerator*).
Whose address is (*insert address*).
And whose occupation is (*insert occupation*).

Know you that in pursuance of the authority given by section 92 of *The Voters' Lists Act, 1951*, I, the undersigned, in my capacity as Returning Officer for the Electoral District of.....
do hereby appoint you to be the enumerator for Polling Subdivision No.....of the said Electoral District, to act as such enumerator in accordance with Part III of *The Voters' Lists Act, 1951*, and to perform and have all the duties and powers imposed upon or exercisable by an enumerator under the said Act.

Given under my hand this.....day of.....

.....
Returning Officer

R.S.O. 1950, c. 414, Sched., Form 22, *amended*.

FORM 33

The Voters' Lists Act, 1951

Section 92

OATH OF ENUMERATOR

I, the undersigned (*insert name of enumerator*) appointed the enumerator for Polling Subdivision No..... of the Electoral District of....., do solemnly swear (*or affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator

R.S.O. 1950, c. 414, Sched., Form 23, *amended*.

FORM 34

The Voters' Lists Act, 1951

Section 93

NOTICE OF RURAL ENUMERATION OF ELECTORS

Electoral District.....

Polling Subdivision No.....

Public notice is hereby given that I,, have been appointed enumerator for the above-mentioned rural polling subdivision and am about to prepare a preliminary list of electors who are qualified to vote therein at a provincial election, and that I will complete such preliminary list on....., the.....day of....., 19.....

And that during the hours between 10 a.m. and 10 p.m. on....., the.....day of....., 19..... I will attend and remain at.....

(insert an exact description of the place

and where the enumerator intends to remain)

so that I may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the said polling subdivision who is qualified to vote at the pending provincial election or does contain the name of any person who is not qualified to vote thereat.

And that in order that the preliminary list of electors for the said polling subdivision shall be available for inspection by persons desiring to inspect it, a copy thereof will be posted up, forthwith after its completion, at the place described above and will remain so posted until all proper corrections have been made in the list.

And that after 10 p.m. on....., the.....day of....., 19....., no further corrections or additions will be made, and the preliminary list as finally revised and certified by me will constitute the official list of electors to be used for the taking of the vote at the pending election for the said polling subdivision.

Dated at....., this.....day of....., 19.....

.....
Enumerator

New.

BILL
The Voters' Lists Act, 1951

1st Reading

February 28th, 1951

2nd Reading

3rd Reading

MR. PORTER

*(Reprinted as amended by the Committee
on Election Laws)*

No. 109

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL
The Voters' Lists Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 109

1951

BILL

The Voters' Lists Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation.

- (a) "board" means election board established under *The Election Act, 1951*;

1951,
c. 21.

- (b) "judge" means judge of the county or district court of the county or district and includes a junior or acting judge, but does not include a deputy judge;

- (c) "polling subdivision", "rural polling subdivision" and "urban polling subdivision" mean such polling subdivisions as defined in *The Election Act, 1951*;

- (d) "prescribed" means prescribed by this Act or by the regulations made under this Act;

- (e) "voter" means a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Assembly or at a municipal election, as the case may be. R.S.O. 1950, c. 414, s. 1, *amended*.

RULES AND FORMS

2.—(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out Parts I and II of this Act. Rules and
forms.

(2) The forms in the Schedule to this Act may be modified or varied, but any such modification or variation shall be subject to the approval of the judge. R.S.O. 1950, c. 414, s. 2. Forms.

APPLICATION OF PARTS

Application,
Part I;

3.—(1) Part I applies to towns, villages, townships and, except as varied by Part II, to cities. R.S.O. 1950, c. 414, s. 3 (1).

Part II.

(2) Part II applies to every city in which a by-law has been passed fixing separate dates for the return of the assessment rolls for each ward or division of a ward, as defined in the by-law. R.S.O. 1950, c. 414, s. 3 (2), *amended*.

Where list
destroyed
by fire or
accident.

(3) Where through accident, fire or otherwise a municipality has no assessment roll or voters' list prepared under Part I or II, the municipality shall for the purposes of this Act be deemed to be a part of Ontario without municipal organization. R.S.O. 1950, c. 414, s. 3 (5), *amended*.

Fees and
expenses
paid by
Province.

4. The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Part III shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts. R.S.O. 1950, c. 414, s. 4, *amended*.

Revising
officer's
decision
final.

5. The decision of the revising officer under Part III in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final. R.S.O. 1950, c. 414, s. 5, *amended*.

Returning
officer to
act on
receipt of
telegram in
lieu of actual
receipt of
writ.

6. Notwithstanding anything in this Act or *The Election Act, 1951* or any regulations made under either of the said Acts, a returning officer in any electoral district, on being advised by the Chief Election Officer by telegraph that a writ of election has been directed to him, shall forthwith commence his duties as prescribed by the said Acts and regulations, without waiting until he actually receives the writ. R.S.O. 1950, c. 414, s. 6, *amended*.

PART I

LIST OF VOTERS AND COPIES

List of
voters in
parts.

7.—(1) The clerk of each municipality, immediately after the return of the assessment roll in every year, shall make a correct list for each polling subdivision of the municipality in two parts (Form 1) of all persons appearing by the assess-

ment roll or by the supplementary roll prepared by the assessor to be voters. R.S.O. 1950, c. 414, s. 7 (1), *amended*.

(2) The list shall be made up in the same order as the assessment roll is prepared in the municipality except where the council by resolution has directed that it be made up alphabetically. R.S.O. 1950, c. 414, s. 7 (2), *amended*. How made up.

(3) The first part shall contain the names of all persons appearing by the assessment roll to be voters at both provincial and municipal elections. R.S.O. 1950, c. 414, s. 7 (3), *amended*. First part.

(4) The second part shall contain the names of all persons appearing by the assessment roll to be voters at municipal elections but not at provincial elections. R.S.O. 1950, c. 414, s. 7 (4). Second part.

(5) The name of the same person shall not be entered more than once on the first or second part of the list, except that in the case of a municipality divided into wards the name of the same person shall be entered upon the list as qualified to vote at municipal elections in every ward in which he is assessed for a sufficient amount to qualify him so to vote. Name to be entered once only on first or second part.

(6) Where a municipality is divided into polling subdivisions, lists shall be made for each subdivision. List for polling subdivisions.

(7) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Act*, or by reason of being a farmer's daughter, the clerk shall insert the letters "M.F.N.C." opposite the name of such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. Entering name of husband or wife of person rated. Rev. Stat., c. 243.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the clerk shall insert in the proper column opposite the name of such person, the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified adding thereto, where the person is so qualified in respect of more than one lot or parcel, the words "and other premises". Where qualification in respect of real property.

(9) In the case of a person being a farmer's son or a farmer's daughter, the clerk shall insert opposite the name in the proper column the words "Farmer's Son" or "Farmer's Daughter" or the letters "F.S." or "F.D.", as the case may be. Farmer's son and daughter.

Entry where
voter
assessed
in several
divisions of
same ward.

(10) Where a ward is divided into polling subdivisions and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name on the list for one subdivision only, and shall insert opposite his name the words "and other premises", and where to the knowledge of the clerk the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision.

Where
property
partly in
one sub-
division
and partly
in another.

(11) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, and add the words "Partly qualified in subdivision No.".

Entry in
list of person
assessed as
freeholder
or tenant.

(12) Where the word "Owner" or the letter "O", or the word "Tenant" or the letter "T", appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person. R.S.O. 1950, c. 414, s. 7 (8-15).

Entries of
those
qualified
as jurors.

(13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end of the second part the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward. R.S.O. 1950, c. 414, s. 7 (16), *amended*.

Entries of
separate
school
supporters.

(14) The clerk shall, in a separate column of the voters' list, insert the letter "S" opposite the name of every person who is shown on the assessment roll as a separate school supporter and also after the name of the wife or husband of every such person if the wife or husband is shown by the roll to be a Roman Catholic. R.S.O. 1950, c. 414, s. 7 (17).

Entry of
P.O. address
of voter.

8.—(1) The clerk of every township, in making out the list, shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person on the list and shall, according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears

by the assessment roll or is within the knowledge or belief of the clerk, but no appeal or complaint, on the ground of any error, mistake or omission in or from the list in respect of any matter or thing directed to be inserted therein by this section, shall be made or allowed by or under this Act.

(2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the return of the assessment roll and before the reproduction of the voters' list by the clerk may give notice in writing, signed by him and verified by a statutory declaration, to the clerk requesting that his name be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of the non-resident person on the list for any other polling subdivision so designated and after the name shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the property is situate. R.S.O. 1950, c. 414, s. 8.

Entry of
non-resident
voter in
polling sub-
division
other than
where
qualified.

9. Immediately after the clerk has made the list, and within thirty days after the return of the assessment roll, the clerk shall cause at least 175 copies of the first and second parts of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy,

Printing
and dis-
tribution
of list.

- (a) to the judge or senior judge of the county or district court of the county or district to which the municipality belongs for judicial purposes;
- (b) to the head and every member of the council of the municipality;
- (c) to the sheriff;
- (d) to every postmaster in the municipality;
- (e) to the secretary of every school board in the municipality;
- (f) to the clerk of the council of the county in which the municipality is situate;
- (g) to the registrar of deeds, if he has so requested in writing before the 1st day of July in the year;

- (h) to the clerk of the division court within whose division the municipality is partly or wholly situate, if he has so requested in writing before the 1st day of July in the year;
- (i) to the member of the House of Commons and of the Assembly for the electoral district in which the municipality or any part thereof is situate; and
- (j) to every other candidate for whom votes were given at the then last election of a member of the House of Commons and or the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 9, *amended*.

Certificate
of clerk.

10.—(1) Upon each of the copies of the first part so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or mailed there shall be a certificate of the clerk (Form 3) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificates shall contain clauses calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

Endors-
ment of
date.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:

“This list was posted up in the Clerk’s Office on
the.....day of....., 19....”

R.S.O. 1950, c. 414, s. 10.

Posting up.

11. Upon receipt of the copies of the list, the sheriff shall post up one copy in a conspicuous place in the court house, the clerk of the peace shall post up one copy in a conspicuous place in his office, and every postmaster shall post up one copy in a conspicuous place in his post office. R.S.O. 1950, c. 414, s. 11 (1), *amended*.

Notice of
transmission
and posting
up of list.

12. The clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or, if none is published therein, in a newspaper having a general circulation in the municipality, a notice (Form 4) signed by him which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office, and the last day for entering appeals. R.S.O. 1950, c. 414, s. 12, *amended*.

REVISION OF FIRST AND SECOND PARTS OF LIST

13.—(1) The first and second parts of the list shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on either of the parts, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the first and second parts of the list. R.S.O. 1950, c. 414, s. 13 (1). ^{Revision of list by Judge.}

(2) Upon the revision, the assessment roll shall not be conclusive evidence in regard to any matter. R.S.O. 1950, c. 414, s. 13 (2), *amended*. ^{Assessment roll not conclusive.}

(3) Upon the revision, no person shall be disentitled to have his name entered on the list by reason of his having omitted to make, sign or deliver any statement or affidavit required by *The Assessment Act*, or of his name not having been entered on the assessment roll. ^{Idem. Rev. Stat., c. 24.}

(4) The decision of the judge as to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final. ^{Judge's decision final.}

(5) In the case of a list for a town, village or township, the judge shall receive, as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit (Form 5), if the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the judge and is delivered to the clerk before the time for making complaints has expired. R.S.O. 1950, c. 414, s. 13 (3-5). ^{When evidence by affidavit receivable.}

14.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list. ^{Who may appeal or complain.}

(2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired shall be deemed to be a person entitled to be entered on the list, and if entered ^{Persons who have acquired qualification before time for giving notice has expired.}

thereon he shall be entered also on the assessment roll and shall be assessed for his property if not already assessed therefor without any request on his part, and the judge and clerk, for the purpose of such assessment, shall have the powers and perform the duties mentioned in section 41.

Complaint
that person
named on
list has lost
qualification.

(3) A person whose name is entered on the first or second part of the list and has, before the time for giving notice of appeal to the judge has expired, ceased to possess the qualification in respect of which his name was so entered, on complaint being duly made under section 16, shall be deemed to be wrongfully entered on the list and, subject to section 18, his name shall be removed therefrom. R.S.O. 1950, c. 414, s. 14.

Proviso.

(4) For the purpose of determining whether a person has acquired or has ceased to possess the qualification entitling him to vote at a municipal election for the purposes of this section, the assessment roll upon which the current voters' list is based shall be deemed not to have been returned. *New.*

Powers of
judge.

15. The judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of a person entered on the first or second part of the list, correct any mistake which appears to have been made in compiling the list in respect of the name, place of abode, qualification, or the local or other description of the property of a person entered on the list and with respect to whose right to be so entered an appeal or complaint is pending before the judge. R.S.O. 1950, c. 414, s. 15.

Proceedings
on
complaint.

16.—(1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business notice in writing (Form 6) of his complaint.

Vacancy in
office of
clerk.

(2) If the office of clerk is vacant, the notice may be given in like manner to the deputy clerk or to the head of the council of the municipality, and he shall perform all the duties of the clerk.

Procedure.

(3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons and the allowances and expenses payable to the judge shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under *The Assessment Act*, but no deposits shall be required.

Rev. Stat.,
c. 24.

[NOTE.—See Forms 6-11.]

Distribution
of list of
appeals.

(4) The clerk shall forthwith after posting up the list of appeals in his office deliver or mail by registered post one

copy of the list to the judge, the clerk of the peace and each of the persons described in clauses *b*, *i* and *j* of section 9. R.S.O. 1950, c. 414, s. 16, *amended*.

17.—(1) Any person may obtain from the county or district court of the county or district a subpoena (Form 12) or from the judge an order, requiring the attendance of a witness residing or served with the subpoena or order in any part of Ontario and requiring the witness to produce any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same if his expenses according to the scale allowed in division courts are paid or tendered to him at the time of service.

(2) Any person in respect of the entry or omission of whose name a complaint is made shall, if resident within the municipality for or in which the court is held, upon being served with a subpoena or order obey the same without being tendered or paid his expenses, and the subpoena or order shall be deemed to have been sufficiently served,

(a) if the subpoena or order is served upon him personally; or

(b) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some adult person at his residence or place of business; or

(c) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him by registered letter directed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office described as his post office in the voters' list unless the last-mentioned post office is his last known post office address, or in the case of cities, towns and villages if no post office is described for him in the voters' list, directed to the post office of such city, town or village; or

(d) where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

Penalty for non-attendance.

(3) If a person whose right to be a voter is the subject of inquiry does not attend in obedience to the subpoena or order, the judge, in the absence of satisfactory excuse being shown for the non-attendance or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off or refuse to enter his name on the list.

Prima facie evidence of certain facts.

(4) The fact that the name of the person is entered on the last revised voters' list of the electoral district shall be *prima facie* evidence that he is a British subject and twenty-one years of age.

Number of names.

(5) The names of any number of witnesses may be inserted in one subpoena or order. R.S.O. 1950, c. 414, s. 17, *amended*.

When qualification incorrectly stated.

18. If on complaint or appeal to strike off the name of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the name has not been entered on the proper part of the list, enter it thereon. R.S.O. 1950, c. 414, s. 18.

Time within which list to be revised.

19. The judge shall so arrange and proceed and fix the sittings of the court that all the complaints shall be heard and determined and the first and second parts of the list finally revised, corrected and certified within one month from the last day for making complaints. R.S.O. 1950, c. 414, s. 19.

Certifying list by clerk of the peace when no complaint made.

20.—(1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver or mail to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality, to furnish one copy of the list,

(a) to the judge;

(b) to the clerk of the peace;

(c) to the clerk of the municipality;

(d) to every candidate for whom votes were given at the then last election of a member for the House of

Commons and the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 20 (1), *amended*.

(2) The clerk of the peace shall retain one certified copy and shall deliver or mail one certified copy to each of the persons described in clauses *a*, *c*, and *d* of subsection 1. R.S.O. 1950, c. 414, s. 20 (2), *amended*. Certificate of clerk of the peace.

21.—(1) If any complaint is made and allowed by the judge, he shall, immediately after the list has been finally revised, certify (Form 15) to the clerk a statement of the changes made by him in the list. R.S.O. 1950, c. 414, s. 21 (1). Statement of changes made by judge.

(2) The clerk shall thereupon prepare a sufficient number of copies of the statement of changes made by the judge to furnish one copy for each of the persons described in clauses *a*, *c* and *d* of subsection 1 of section 20, and shall, within one week after the revision has been made by the judge, deliver or mail such copies of the statement of changes, together with the certificate of the judge, to the clerk of the peace, and such statement shall be made out according to polling subdivisions and shall show the changes made in the list for each polling subdivision. R.S.O. 1950, c. 414, s. 21 (2), *amended*. Delivery of copies.

(3) The clerk of the peace shall thereupon sign and certify (Form 16) such copies together with a copy of the voters' list received by him from the clerk and deliver or send by registered post one copy to each of the persons described in clauses *a*, *c* and *d* of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (3), *amended*. Certificate of clerk of the peace on copies.

(4) Instead of proceeding as provided in subsections 1, 2 and 3, the judge may direct the clerk to prepare a sufficient number of copies of the list as revised by the judge to furnish one copy for each of the persons described in clauses *b*, *c* and *d* of subsection 1 of section 20, and the clerk shall within one week after the revision has been made transmit or deliver such copies to the judge, and the judge shall thereupon sign and certify (Form 17) such copies and shall retain one and shall deliver or mail one copy to each of the persons described in clauses *b*, *c* and *d* of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (4), *amended*. Delivery and certification of copies of revised list.

22. The clerk of the peace shall be entitled to remuneration at the rate of \$1 per copy for the services performed by him under subsection 2 of section 20 and subsection 3 of section 21, such remuneration to be paid by the municipality. R.S.O. 1950, c. 414, s. 22. Remuneration of clerk of the peace.

Striking off
names of
persons
dying after
revision.

23.—(1) After the list has been certified and before the nomination day at a municipal election, the judge may, upon the application of a voter, strike from the list the name of a person who has died since the list was certified, and for that purpose the certificate of the Registrar-General shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

Procedure.

(2) The proceedings shall be the same as nearly as may be as those prescribed for the revision of the list, and the judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. R.S.O. 1950, c. 414, s. 23.

Correction
of list
after re-
visions of
assessment
roll.

24. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and, upon appeal to the court of revision or to the judge, alterations are made in the assessment roll affecting the right of a person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes. R.S.O. 1950, c. 414, s. 24.

Effect of
certified
list.

25. The certified list shall be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any municipal election at which such list was, or was the proper list to be, used except,

- (a) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified by the judge;
- (b) persons who, subsequent to the list being certified, have ceased to be qualified to vote at a municipal election in the municipality to which the list relates and who by reason thereof are, under *The Municipal Act*, disentitled to vote;
- (c) persons whose names are entered on the list under the authority of a certificate issued pursuant to subsection 7 of section 58 of *The Municipal Act*. R.S.O. 1950, c. 414, s. 25.

Rev. Stat.,
c. 243.

Duty of
municipality
to provide
room.

26.—(1) The municipality within which a court is to be held shall provide a suitable and convenient place, properly

furnished, heated and lighted, for the holding of the court, and in default thereof the judge may hold the court at such place in the county or district as he may deem proper, and if the court is held elsewhere than in the court house of the county or district, the occupant of the building in which it is held may recover from the municipality the sum of \$5 for each day on which the building was used for the purposes of the court.

(2) Every court held in the county or district town shall be held in the court house, or in such other place as the judge deems proper. R.S.O. 1950, c. 414, s. 26. Courts in county towns.

27. In all proceedings before the judge he shall have all the powers which belong to or might be exercised by him in the county court. R.S.O. 1950, c. 414, s. 27. Powers of Judge.

28. The clerk of every municipality shall be subject to the summary jurisdiction and control of the judge in the performance of his duty under this Act in the same manner as an officer of the county court is to the court. R.S.O. 1950, c. 414, s. 28. Clerk.

29.—(1) The clerk shall be entitled to all reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him under this Act and shall also be entitled to the following compensation: Remuneration of clerk in connection with complaints.

1. For the name of every person entered in the list of complaints.....\$.05
2. For every name entered in any necessary copy of the list of complaints..... .05
3. For every name entered or other correction made by the judge in the voters' list, and in every copy of the list revised..... .05
4. For every name in the statement of changes made by the judge in the list..... .05
5. For every necessary notice to any party complaining or complained against..... .15
6. For every mile necessarily and actually travelled by him in effecting service of a notice of appeal or complaint and in attendance at the hearing of complaints or appeals..... .08
7. For every day's attendance at the sittings of the court..... 5.00

(2) The assessor shall be entitled to all reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him under this Act and to an allowance of \$5 per diem for every day's attendance at the court and to 8 cents for every mile necessarily and actually travelled Remuneration of assessor.

by him to attend at the hearing of complaints or appeals.
R.S.O. 1950, c. 414, s. 29 (1, 2).

Appoint-
ment of
constable.

30.—(1) The judge shall have power to appoint a proper person to attend as constable at the sitting of the court, and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a division court.

Constable's
fees.

(2) The constable shall be entitled to the following compensation:

1. For every day's attendance.....\$4.00
2. For every service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the judge, a sum not exceeding 20 cents per mile one way for each mile necessarily and actually travelled to effect such service.

R.S.O. 1950, c. 414, s. 30.

Payment
of fees.

31. The compensation to which the clerk, assessor and constable are respectively entitled shall be certified by the judge and paid to the clerk, assessor and constable respectively by the treasurer of the municipality upon the production and deposit with him of the judge's certificate. R.S.O. 1950, c. 414, s. 31.

Report by
judges as to
frauds, etc.

32. If the judge who holds the court is of the opinion that any person has contravened section 46 or 48, or that frauds in respect of the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General with particulars as to names and facts. R.S.O. 1950, c. 414, s. 32.

Amend-
ments.

33. The judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1950, c. 414, s. 33.

Substitution
of new
appellant.

34. If an appellant or complainant dies or abandons his appeal or complaint or is found not to be entitled to be an appellant, the judge may in his discretion allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint upon such terms as the judge may think proper. R.S.O. 1950, c. 414, s. 34.

Costs oc-
casioned by
errors.

35.—(1) If errors are found in the voters' list on the revision thereof in the omission of names, the inaccurate entry of names or the entry of names of persons not entitled to vote and it appears to the judge that the assessor or clerk was

blamable for any of the errors, the judge may order (Form 18) the assessor or clerk to pay all costs occasioned by such errors.

(2) In case of errors for which the court of revision is blamable, the judge may order the municipality to pay the costs occasioned by such errors. Order for payment by municipality.

(3) In all cases not provided for, the costs shall be in the discretion of the judge. R.S.O. 1950, c. 414, s. 35. Discretion of judge.

36. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a division court. R.S.O. 1950, c. 414, s. 36. Scale of costs.

37. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless in the opinion of the judge the complaint or appeal is frivolous or vexatious or has not been made in good faith, in which case the judge may order the appellant or complainant to pay in addition any other costs allowed by section 36. R.S.O. 1950, c. 414, s. 37. Liability of appellant for costs.

38. Payment of costs may be enforced by an execution (Form 19) against goods and chattels, to be issued from the division court of the division within which the municipality or part thereof is situate upon filing therein the order of the judge and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. R.S.O. 1950, c. 414, s. 38. Enforcing payment of costs.

REFERENCE TO COURT OF APPEAL

39.—(1) In order to facilitate uniformity of decision without the delay and expense of appeals, Stating case.

(a) a judge may state a case on any question arising or likely to arise and may transmit it to the Lieutenant-Governor in Council who may immediately refer it to the Court of Appeal for the opinion of the court; or

(b) the Lieutenant-Governor in Council may state a case on any such question to the Court of Appeal for the opinion of the court.

(2) Immediately upon receipt of the case, the court shall appoint a time and place for hearing argument, of which written notice shall be given by the Registrar of the Supreme Court posting up a copy of the notice in his office in Osgoode Hall, Toronto, at least ten clear days before the time appointed. Time and place of argument.

Hearing.

(3) At the time appointed the court shall hear the argument by such of the counsel present as the court may think proper to hear, and shall certify to the Lieutenant-Governor in Council the opinion of the court thereon, and the opinion shall be published forthwith in *The Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the judge of every county and district court. R.S.O. 1950, c. 414, s. 39.

Opinion at instance of voter.

40. The Court of Appeal may also give an opinion on any question at the instance of a voter if the court sees fit, and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the court or a judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel and may require notice of the proceedings, or any of them, to be given to such person as the court or judge may direct. R.S.O. 1950, c. 414, s. 40.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED

Liability of persons added to roll on revision.

Rev. Stat., c. 24.

41. If a person who is found entitled to be a voter at municipal elections is not assessed or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll. R.S.O. 1950, c. 414, s. 41.

FAILURE OF CLERK TO PERFORM HIS DUTIES

Lists not vitiated.

42. The non-performance by the clerk of any of his duties under this Act within the times appointed shall not affect the validity of any list. R.S.O. 1950, c. 414, s. 42.

Summary application to enforce performance of duties.

43.—(1) If the clerk fails to perform any of his duties, the clerk of the peace shall forthwith apply summarily (Form 20) to the judge to enforce the performance thereof.

Application by voter.

(2) The application may also be made by any voter.

Proceedings by judge.

(3) The judge shall require (Form 21) the clerk and any other person he sees fit to appear before him and produce the assessment roll and any documents relating thereto or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he deems proper.

(4) The clerk shall pay the costs of the proceedings unless on special grounds the judge otherwise orders, in which case the judge may direct how and by whom the costs are to be paid. Liability of clerk for costs.

(5) The proceedings and order of the judge shall not relieve the clerk from the penalty mentioned in section 44. R.S.O. 1950, c. 414, s. 43. Clerk's liability to penalty.

OFFENCES

44. Every clerk who omits, neglects or refuses to perform any of the duties hereinbefore required of him shall be guilty of an offence and for every such omission, neglect or refusal shall be liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 44. Penalty for neglect of duties by clerk.

45. The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence, and every clerk of a municipality, clerk of the peace or other person who commits such offence, or wilfully permits it to be committed, shall be liable to a penalty of not less than \$500 and not more than \$2,000 and in addition may be imprisoned for a term of not more than three months. R.S.O. 1950, c. 414, s. 45. Penalty for wilfully falsifying list.

46.—(1) No person shall be a party to any instrument or to any verbal arrangement whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter. Colourable transfer of property.

(2) Every person who contravenes the provisions of this section, in addition to any other penalty prescribed in that behalf, shall be liable to a penalty of \$100. Penalty.

(3) Every person who induces or attempts to induce another to commit an offence under this section shall be liable to a like penalty. R.S.O. 1950, c. 414, s. 46. Procuring commission of offence.

47. To prevent the creation of false votes, where a person claims to be assessed or to be entered or named in an assessment roll or claims that another person should be assessed, entered or named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person claiming, or for or in respect of whom the claim is made, ought not to be so assessed, or so entered or named in the roll, the assessor shall make reasonable inquiries before assessing, entering or naming any such person in the assessment roll. R.S.O. 1950, c. 414, s. 47. Inquiries by assessor.

48. Every person who wilfully and improperly enters or procures to be entered the name of a person in an Improper insertion of name in roll.

assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully enters or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits or procures or causes to be omitted the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall be guilty of an offence and liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 48.

Recovery of
penalties.
Rev. Stat.,
c. 379.

49. Any penalty mentioned in sections 44 to 48 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1950, c. 414, s. 49, *amended*.

INSPECTION AND COPIES OF DOCUMENTS

Right to
inspect and
copy assess-
ment rolls,
etc.

50. A voter and an agent of a voter may, at all reasonable times and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications and other documents and proceedings necessary or of use for carrying out the provisions of *The Municipal Act*, *The Assessment Act* or this Act, and the clerk for such purposes shall accord all reasonable facilities consistent with the safety of the documents and the rights and interests of all persons concerned, and shall in regard to such matters be subject to the direction of the judge. R.S.O. 1950, c. 414, s. 50.

Rev. Stat.,
cc. 243, 24.

Fees for
copies of
list.

51. The fees payable to the clerk of the peace and to the clerk of the municipality for furnishing copies of a list or any part of a list shall be those fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 414, s. 51.

PART II

PREPARATION OF WARD LISTS

Preparation
of list
where roll
returned
and revised
by wards.

52. Immediately after the return by the assessor of the assessment roll for any ward or division of a ward, and without waiting for the revision and correction of the roll by the court of revision or by the judge, the clerk of every city to which this Part applies shall prepare and cause to be re-produced the first and second parts of the voters' list in the manner prescribed by Part I. R.S.O. 1950, c. 414, s. 52, *amended*.

53.—(1) Forthwith after the preparation and reproduction of the last of such lists, the clerk shall post up and distribute each of the lists for each ward or division in the manner prescribed by Part I, and forthwith after the clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in such daily newspapers published in the city as may be directed by the judge, calling upon persons who are aware of errors or omissions in the lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary qualifications as a voter since the return of the assessment roll for any such ward or division of a ward to give notice of the same, and shall name a time and place at which the judge will hold a court for revising the lists for the whole city. R.S.O. 1950, c. 414, s. 53 (1), *amended*.

Posting up
and distri-
buting lists.

(2) The time for making complaints as to errors or omissions in the lists shall be within fourteen days after the first publication of the notice. R.S.O. 1950, c. 414, s. 53 (2).

Time for
making
complaints.

54. The judge shall so arrange and proceed and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints will be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting. R.S.O. 1950, c. 414, s. 54.

Time for
final re-
vision of
lists.

55. If no complaint respecting any of the lists is received by the clerk within fourteen days after the first publication of the notice, the clerk shall apply forthwith to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or division and the judge shall certify such three copies and retain one and deliver or mail by registered post one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office. R.S.O. 1950, c. 414, s. 55.

Certifying
list where
no complaint
made.

56. If any complaint is made as aforesaid with respect to any of the lists within such period, the judge shall proceed as provided by section 21, and sections 23 to 25 shall apply to the list prepared under this Part. R.S.O. 1950, c. 414, s. 56 (1), *amended*.

Procedure
where
complaint
made.

57. Subject to subsection 7 of section 58 of *The Municipal Act*, the lists as so revised, corrected and certified by the judge shall together form from time to time the last revised voters' list for the city within the meaning of this Act and *The Municipal Act*, and the date fixed by section 53 as the last day for making complaints to the judge shall be deemed to be the last day for making complaints to the judge within the

Effect of
list as
completed.

Rev. Stat.,
c. 243.

meaning of any oath prescribed by that Act and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. R.S.O. 1950, c. 414, s. 57.

PART III

PREPARATION AND REVISION OF PROVINCIAL LISTS IN URBAN POLLING SUBDIVISIONS

ENUMERATION

Enumera-
tors.

58. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 22) for each urban polling subdivision in the electoral district two persons to be enumerators of the voters in such subdivision and to prepare a list thereof, and shall require each of such persons to take the oath (Form 23). R.S.O. 1950, c. 414, s. 74, *amended*.

Enumera-
tors to act
jointly.

59. Each enumerator shall exercise the utmost care in the preparation of the voters' list and the two enumerators appointed for each urban polling subdivision shall, with relation to each process in the preparation of the voters' list, act jointly and not individually, and in case of any disagreement they shall report the matter to the returning officer and shall in all respects be bound by his decision. *New*.

Selection of
enumer-
ators.

60. The returning officer shall, as far as possible, select and appoint the two enumerators for each urban polling subdivision so that they represent two different and opposed political interests, as provided in section 61. *New*.

Notice of
intention to
appoint en-
umerators.

61.—(1) At least two days before he proposes to appoint the persons who are to act as enumerators, the returning officer shall give notice thereof,

- (a) to the person who will apparently be the candidate at the election of the political interest represented by the government of the day; and
- (b) to the person who will apparently be the candidate at the election of a different and opposed political interest the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

and if at the time of giving such notice it is, in the opinion of the returning officer, not yet apparent who either of such

persons will be, the returning officer shall give such notice to the person who was the candidate of such political interest at the next preceding election.

(2) The persons receiving notice under subsection 1 may each, within two days of receiving such notice, nominate a fit and proper person for appointment as enumerator in each urban polling subdivision in the electoral district and the returning officer shall appoint every such person as an enumerator in the urban polling subdivision for which he has been nominated unless he is of opinion that there is good cause for refusing to appoint any such person. Nominations.

(3) Where the returning officer is of opinion that there is good cause for refusing to appoint any person so nominated, he shall notify the person making the nomination and such person may within twelve hours nominate a substitute, but the returning officer may refuse to appoint such substitute where he is of opinion that there is good cause for so doing. Refusal to appoint.

(4) The returning officer shall himself select and appoint enumerators to such extent as may be necessary where, Where returning officer may select.

(a) at the time of giving notice under subsection 1 there is in the opinion of the returning officer no person who will apparently be the candidate at the election of the political interest represented by the government of the day and there was no candidate of such political interest at the next preceding election;

(b) at the next preceding election there was opposed to the candidate of the political interest representing the government of the day no candidate representing a different and opposed political interest; or

(c) any of the persons entitled to make nominations fails to nominate a suitable person for appointment for any urban polling subdivision. *New.*

62.—(1) The returning officer shall supply each pair of enumerators with, Enumerators' equipment.

(a) a copy of the first part of the last revised voters' list prepared pursuant to Part I;

(b) a book of enumerators' record forms (Form 24);

(c) a supply of notices of inability to obtain information for the purposes of registration; and

(d) a supply of voters' list forms (Form 25). *New.*

Preparation
of list.

(2) The enumerators shall forthwith upon their appointment, by means of,

- (a) a joint house-to-house canvass;
- (b) a reference to the first part of the voters' list prepared pursuant to Part I; and
- (c) such other sources as may be available to them,

prepare a list, under headings of names of streets where possible and in the order of street numbers in subdivisions in which street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the urban polling subdivision who are qualified to vote at the election. R.S.O. 1950, c. 414, s. 75, *amended*.

Enumera-
tors' record
form.

(3) The name, address and occupation of every person entitled to be entered on the list shall at the time of visiting the dwelling place of such person be entered on an enumerators' record form which shall be signed by both enumerators, and a duplicate thereof shall be detached from the book and left at such dwelling place.

House-to-
house
canvass.

(4) In making the house-to-house canvass the enumerators shall visit every dwelling place in the urban polling subdivision and, unless they have ascertained from an occupant of each such dwelling place that no person residing therein remains unregistered, they shall visit such place,

- (a) at least once between 9 a.m. and 6 p.m.; and
- (b) at least once between 7 p.m. and 10 p.m.,

and where, upon making the last of such visits, the enumerators are unable to secure all the information necessary to register all persons residing therein who may be qualified to vote at the election, they shall leave at such dwelling place a notice of inability to obtain information for purposes of registration (Form 26). *New*.

Certification
and dis-
position of
list by en-
umerators.

63.—(1) The enumerators, immediately after the completion of the list and not later than four days from the date of their appointment, shall certify the urban polling subdivision list (Form 25) on oath and deliver it to the returning officer together with the book of enumerators' record forms used in the preparation of the list, and shall prepare at least six copies of such list so certified and shall forthwith post up one copy in the office of the returning officer, one copy in a conspicuous place in the urban polling subdivision for which the list was prepared, and one copy in the office of the

clerk of the municipality, for public inspection, and the returning officer shall distribute one copy to each candidate. R.S.O. 1950, c. 414, s. 76, *amended*.

(2) The returning officer, forthwith upon receipt of the list from the urban enumerators, shall cause it to be printed and such printing shall be completed not later than the eighth day before the sittings of the revising officer. Printing of preliminary list.

(3) The returning officer shall furnish twelve printed copies of the list for each urban polling subdivision to each candidate. Distribution to candidates.
New.

REGISTRATION AND REVISING DISTRICTS

64. Every returning officer, as soon as conveniently may be after the issue of a writ directed to him for the holding of an election, shall group together the urban polling subdivisions in the electoral district into as many combined registration and revising districts as circumstances require, subject to the approval of the board, and shall prepare descriptions of the boundaries of such districts. R.S.O. 1950, c. 414, s. 73, *amended*. Registration and revising districts.

APPOINTMENT OF REVISING OFFICER

65.—(1) The board shall appoint, from among its number, revising officers to hold sittings in the electoral district in which an election is to be held for the registration of voters and the revision of the lists for the urban polling subdivisions. R.S.O. 1950, c. 414, s. 81 (1), *amended*. Revising officer, appointment of.

(2) Wherever practicable, the revising officer so appointed shall be the judge or one of the judges of the county or district court or the acting judge of the said court; but where the county forms part of a district formed under *The County Judges Act*, a judge of any county included therein may be appointed revising officer. R.S.O. 1950, c. 414, s. 81 (2), *amended*. Idem. Rev. Stat., c. 76.

66. Where, owing to the number of sittings to be held or from any other cause, the board finds it impracticable for a judge to act as revising officer, the board may appoint one of its own number, being a barrister of at least five years standing, a magistrate, or some other fit and proper person having the like qualification, to act as revising officer. R.S.O. 1950, c. 414, s. 82. Where judge not available.

67. The board shall appoint one or more clerks to any revising officer as may be necessary, and such appointments Appointment of clerks to revising officer.

shall be made as soon as conveniently may be after the issue of the writ for the election, and notice of such appointment and of the location of his office shall be published in all newspapers having a general circulation in the electoral district. R.S.O. 1950, c. 414, s. 85.

Oath by
revising
officer except
the judge.

68. Every revising officer shall, unless he is a judge, be sworn to the faithful and impartial performance of his duties. R.S.O. 1950, c. 414, s. 86.

Additional
revising
officers may
be ap-
pointed.

69. If at any time the number of applications for registration and revision of the list at any registration and revising office is such that the revising officers cannot promptly dispose of them, the board may appoint additional revising officers or may provide clerical assistance for the revising officers acting thereat. R.S.O. 1950, c. 414, s. 87.

Board may
replace
revising
officers.

70. The board may at any time relieve any revising officer of his duties and appoint another to perform them, and any revising officer so relieved shall forthwith upon receiving written notice from the board of the appointment of a substitute for him deliver to the board or to such other person as the board may appoint all lists, notices and other papers in his possession as revising officer. R.S.O. 1950, c. 414, s. 99.

SITTINGS OF REVISING OFFICER

Board to
fix time and
place for
registration
and revision.

71. As soon as conveniently may be after the issue of a writ for the holding of an election to fill a vacancy in the Assembly, or after the dissolution or expiry of the Assembly, the Chief Election Officer shall fix the times and the board shall fix general locations at which sittings shall be held by the revising officers for the purpose of the registration of voters and revising the lists for urban polling subdivisions compiled and certified by the enumerators. R.S.O. 1950, c. 414, s. 79, *amended*.

Suitable
places for
sittings to
be obtained.

72. The returning officer shall select convenient places within the general locations fixed by the board in which the revising officers will sit, which places shall be properly furnished, lighted and heated, and he shall report thereon to the board. R.S.O. 1950, c. 414, s. 83, *amended*.

List to be
delivered to
revising
officers.

73. The returning officer shall furnish to the revising officers the original lists for each urban polling subdivision as prepared and certified by the enumerators. R.S.O. 1950, c. 414, s. 80, *amended*.

Notice of
sittings to
be given.

74. The board shall cause a notice of the sittings of the revising officers to be printed in such form as may be pre-

scribed by the board, and such notice shall be posted at least five days before the sittings in adequate numbers and in conspicuous places throughout the areas affected, and where possible, published in all newspapers having a general circulation in the electoral district, and before 9 a.m. on the day of registration and revision an additional five copies shall be posted up outside of and near to the place of registration and revision. R.S.O. 1950, c. 414, s. 84.

APPLICATIONS FOR REGISTRATION AND COMPLAINTS

75.—(1) Any person resident in any urban polling sub-division included in the registration district, whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such subdivision, may apply at the place of registration for the registration district to have his name included in the list or to cause the entry in the list relating to him to be corrected. R.S.O. 1950, c. 414, s. 89, *amended*. Who may apply to be registered or have correction made.

(2) Every person so applying shall sign an application (Form 27) in which all the information required by the form shall be sufficiently filled in, either by the applicant personally or by a revising officer at the applicant's request, and before entering the name of the person in the list of voters or before correcting the list, as the case may require, the revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have his name included in the list or to have the list corrected pursuant to his request. R.S.O. 1950, c. 414, s. 90. Application to be entered on list to be signed.

(3) If any person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected is unable personally to attend the registration and revising sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bona fide* absence from the municipality in which the registration area is included, then a relative of such person by blood or marriage or his employer may, if he has a sufficient knowledge of the facts, appear before the revising officer and complete the application (Form 27) to have such person's name included in the list of voters or to have the list corrected, as the case may be. R.S.O. 1950, c. 414, s. 94. Absence through sickness, etc., relative or employer may appear.

(4) If the relative by blood or marriage or the employer so appearing substantiates, Evidence to be produced by relative or employer.

(a) the cause for the non-appearance of the person immediately concerned to be as set out in subsection 3;

- (b) the existence of a relationship by blood or marriage or the relationship of employer and employee; and
- (c) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of the person to be included in the list, or to cause the list to be corrected, as the case may be,

the revising officer may act upon the application as if the person immediately concerned had appeared in person before him. R.S.O. 1950, c. 414, s. 95.

Re-enumeration of applicants in certain cases.

(5) At any time prior to the sitting of the revising officers in any registration and revising district any voter whose name is omitted from the list as prepared by the enumerators, or any person who has knowledge of the fact that the name or names of any other voter or voters have been so omitted, may so inform the returning officer in writing stating the names and addresses of the voters so omitted.

Idem.

(6) The returning officer shall, prior to the last day of the revision, cause an enumeration to be made of all voters of whom such notice has been given, and the enumerators shall visit the addresses and enumerate such voters and any other voters at those addresses whose names have been omitted from the list, and the returning officer shall transmit to the revising officer the names of such voters so enumerated and the revising officer shall, if there is no valid objection, add such names to the list.

Enumerators.

(7) The returning officer shall appoint enumerators for the purposes of subsection 6 from among those who have already acted as such for the pending election, or if necessary shall appoint others in the manner provided by section 61. *New.*

Procedure where complaint made for wrongful entry on list.

76.—(1) Within four days after the posting up of the urban polling subdivision lists by the enumerators as provided in section 63, any person whose name has been entered on any of the urban polling subdivision lists in the electoral district may file with the proper clerk of the revising officer appointed for the urban polling subdivision a complaint that there has been included in the list as compiled by the enumerators the name or names of persons who should not be entered therein, and such complaint shall be prepared according to Form 28 and shall set out the reason for complaining and shall be accompanied by an affidavit of the complainant (Form 29), and the same shall be filed with such clerk of the proper revising officer not later than the first day appointed for the sittings of the revising officer. R.S.O. 1950, c. 414, s. 77, *amended.*

Revising officer's clerk to notify voter of complaint.

(2) Upon such complaint and affidavit being received by the clerk of the revising officer, he shall forthwith, and not

later than the first day of the sittings of the revising officer, transmit, by registered post addressed to the person objected to at the address mentioned in the list of voters as compiled by the enumerator, a notice (Form 30) requiring such person to appear in person or by representative before the revising officer on a day to be named in the notice to answer the complaint made. R.S.O. 1950, c. 414, s. 78.

(3) In the case of any objection or complaint to the inclusion of a name in the list of voters of which notice has been given under subsection 2, the onus of establishing the validity of the objection shall rest upon the objecting person and shall be discharged either by proper evidence that the name of the person objected to should not be included in the list of voters, or by the production of a post office certificate of the registration of the package containing the notice of objection and by the production of the package itself having upon it a record by the post office indicating that it could not be delivered. R.S.O. 1950, c. 414, s. 102, *amended*.

77.—(1) Any person whose name appears in the list of voters for any urban polling subdivision in the electoral district or the registration district for which the revising officer has been appointed may on the first day of the sittings only make oath before the revising officer giving particulars,

Objections
by persons
on list to
names ap-
pearing
thereon.

- (a) of the list upon which his name appears;
- (b) stating that he is qualified to vote in the electoral or registration district; and
- (c) alleging the death, disqualification, or real residence and appearance on another list, of any person on the list for any of the urban polling subdivisions in the registration district for which the revising officer has been appointed.

(2) The revising officer, upon such oath being made before him (Form 31), shall cause to be transmitted by registered post addressed to the person objected to at the address mentioned in the list of voters and also at such other address, if any, as may be mentioned in the oath aforesaid, a notice (Form 30) requiring such person to appear in person or by his representative before him or any revising officer who is on duty at such revising office, on a day to be named in the notice, to establish his qualification as a voter, and the revising officer shall transmit, with each copy of the notice, a copy of the oath of the voter making the objection. R.S.O. 1950, c. 414, s. 96, *amended*.

Notice to
person
objected to.

(3) In the case of any objections made on oath before a revising officer under this section, of which notice has been

Procedure
dealing with
objections
to name on
list.

properly given by a revising officer under subsection 2, the onus of establishing his right to have his name included in the list of voters shall be upon the person objected to, and if the person does not, during the sittings on the day for which notice of the hearing of the objection has been given, appear before the revising officer, personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom whether or not the voter by whom the objection was made has appeared before him. R.S.O. 1950, c. 414, s. 101, *amended*.

POWERS AND DUTIES OF REVISING OFFICERS

Jurisdiction
of revising
officer.

78. At the sittings for revision, the revising officer shall have jurisdiction to dispose and shall dispose,

- (a) of applications made by persons to have their names included in the lists, or to have the lists corrected;
- (b) of applications by relatives or employers;
- (c) of complaints filed under section 76 with any clerk of any revising officer, notice of which has been given to the party objected to as provided in that section; and
- (d) of objections on oath made before a revising officer under section 77 of which a revising officer has given notice as provided in that section. R.S.O. 1950, c. 414, s. 100, *amended*.

Powers of
revising
officer.

79. For the due performance of his duty, a revising officer appointed under this Part shall have and possess all the powers of a judge sitting for the hearing of complaints under Part I. R.S.O. 1950, c. 414, s. 81 (3).

Revising
officer to
enter name
when satis-
fied appli-
cant is
qualified.

80. If it appears to the revising officer that the applicant understands the effect of the statements in the application (Form 27) and that the applicant's name should be included in the list or that the amendment thereof which he requests should be made, he shall certify accordingly by signing the application. R.S.O. 1950, c. 414, s. 92.

Procedure
where ap-
plication
refused.

81. If, in the opinion of the revising officer, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list or to have the list amended as requested, he shall advise the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. R.S.O. 1950, c. 414, s. 93.

82. The name of a person shall not be removed from the enumerators' list by the revising officer unless he is satisfied on oath that due notice of complaint has been given to the person or that the person could not be found and the registered notice could not be delivered. R.S.O. 1950, c. 414, s. 103, *amended*. Name not to be struck off without notice.

83. The revising officer shall not remove any name from the enumerators' list or make any other changes therein except upon evidence under oath. R.S.O. 1950, c. 414, s. 104. Evidence required.

84. During the sittings, each revising officer shall enter in the proper urban polling subdivision list in his registration district the names, addresses and occupations of such voters as are added by him to the list and such other corrections as are made, and shall certify each amendment of the list so made by appending thereto his initials and a note of the date of the amendment. R.S.O. 1950, c. 414, s. 97, *amended*. Additions and corrections to be entered on the proper list.

85.—(1) Forthwith after the conclusion of the sittings, the revising officer shall certify the list of each urban polling subdivision as finally revised by him, and shall as soon as possible transmit the list together with a certified statement of changes and additions to the returning officer. R.S.O. 1950, c. 414, s. 105 (1), *amended*. Transmission of lists to returning officer.

(2) The lists as so revised and certified together with the statements of changes and additions shall be the proper lists to be used in preparing the urban polling lists for the election. R.S.O. 1950, c. 414, s. 105 (2), *amended*. Lists so revised to be lists for the election.

86. The revising officers shall permit to be present in the place of registration and revision not more than two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the revising officer, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88. Representatives of recognized political interests may be present.

87. When the language of the applicant is not understood by the revising officer, an interpreter may be sworn and may act; but in the event of inability to secure an interpreter, the application shall, for the time being, be refused. R.S.O. 1950, c. 414, s. 91. Interpreter may be engaged.

88. Every revising officer, while sitting as such, shall have and may exercise the powers of a justice of the peace, and he may appoint, if necessary, constables for the maintenance of order and for the arrest and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance. R.S.O. 1950, c. 414, s. 98, *amended*. Revising officer a conservator of the peace. Power to appoint constables in special cases.

COPIES

Printed
copies of
statements of
changes.

89.—(1) The returning officer, forthwith upon receipt of the statements of changes and additions from the revising officers, shall cause them to be printed and such printing shall be completed not later than the eighth day before polling day.

Certification
of true
copies of
statement.

(2) Every printed copy of the statement shall have printed thereon a certificate of the returning officer that such copy is a true copy of the statement as prepared by the revising officer. R.S.O. 1950, c. 414, s. 107, *amended*.

Printed
copies to be
furnished
candidates.

90. The returning officer shall furnish twelve printed copies of the statement of changes and additions for each urban polling subdivision to each candidate. R.S.O. 1950, c. 414, s. 108, *amended*.

Printed
lists with
statement
to be
official list.

91. The printed list together with the statement of changes and additions for the urban polling subdivision as so certified by the returning officer shall be the official list for the urban polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the revising officer is discovered after the completion of the printing, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the printed list and statement shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, *amended*.

PREPARATION AND REVISION OF PROVINCIAL LISTS IN RURAL POLLING SUBDIVISIONS

ENUMERATION

Appoint-
ment of
enumerator.

92. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 32) for each rural polling subdivision in the electoral district one person to be the enumerator of the voters in such subdivision and to prepare a list thereof, and shall require each such person to take the oath (Form 33). *New*.

Notice of
revision and
registration.

93. Every enumerator shall forthwith on his appointment post up in public places in the rural polling subdivision at least three copies of a notice (Form 34) that he is about to prepare a list of qualified voters in the polling subdivision, which list will be revised and corrected by him on a stated date at a stated place where he will be found between 10 a.m. and 10 p.m. *New*.

Preliminary
list.

94.—(1) The enumerator of each rural polling subdivision shall, immediately after posting up the notice as required by section 93, proceed to prepare a preliminary list (Form 25) under headings of names of streets where possible and in

order of street numbers in subdivisions where street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

(2) Such list shall be prepared from such information as *Idem.* the enumerator may be able to secure by means of,

- (a) a house-to-house canvass;
- (b) reference to the first part of the voters' list prepared pursuant to Part I, if any; and
- (c) such other sources as may be available to him. *New.*

95.—(1) Every enumerator shall exercise the utmost care Enumerator to exercise care. in the preparation of the list of electors for the rural polling subdivision for which he has been appointed.

(2) He shall take all necessary precautions to ensure that *Idem.* his list, when complete, contains the name, address and occupation of every person who is qualified as a voter in the polling subdivision and that it does not contain the name of any person who is not so qualified. *New.*

96.—(1) The enumerator of each rural polling subdivision, Certification and posting up of preliminary list. immediately after the completion of the preliminary list and not later than four days from the date of his appointment, shall certify such preliminary list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer, and one copy at the place within the polling subdivision at which he may be found pursuant to section 93, for public inspection, and the returning officer shall distribute one copy to each candidate.

(2) The returning officer, forthwith upon receipt of the list Printing and distribution of preliminary list. from the enumerator shall cause it to be printed and shall furnish twelve printed copies of the list for each rural polling subdivision to each candidate. *New.*

REVISION

97. The returning officer shall furnish every rural enumerator with two printed copies of the preliminary list of voters Returning officer to furnish copies for revision. for the rural polling subdivision for which he has been appointed. *New.*

98. The enumerator shall attend at the time and place Revision of preliminary list. mentioned in the notice posted up pursuant to section 93 for the purpose of the registration of voters and the revision of the list. *New.*

Representatives of recognized political interests may be present.

99. The enumerator shall permit to be present in the place of revision not more than two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the enumerator, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88, *amended*.

Enumerator to make proper changes.

100. At any time after the enumerator has posted up his preliminary list, and particularly between 10 a.m. and 10 p.m. on the date and at the place stated for the revision of the list in the notice posted by him pursuant to section 93, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him requires amendment as hereinafter mentioned, the enumerator shall,

- (a) add to such list the name of any person who is qualified as a voter in the rural polling subdivision at the election then pending, but whose name has been omitted from the preliminary list; or
- (b) strike out from such list the name of any person who is not qualified as a voter in such polling subdivision; or
- (c) correct any inaccurate statement as to the name, address or occupation of any person whose name properly appears in such list. *New*.

Corrections in ink and initialled.

101. Any change or correction made by the enumerator in the preliminary list of electors shall be made with ink and shall be initialled and dated by him in the margin of the list opposite the change or correction. *New*.

Certification of revised list.

102.—(1) Forthwith after the conclusion of the revision, the enumerator shall certify the list of the rural polling subdivision for which he has been appointed, as finally revised by him, and shall as soon as possible transmit the list to the returning officer.

Polling lists.

(2) The list as so revised and certified shall be the proper list to be used in preparing the polling lists for the election. R.S.O. 1950, c. 414, s. 105, *amended*.

COPIES OF LISTS

Certification of polling lists.

103. Every polling list shall have endorsed thereon a certificate of the returning officer that such list is a true copy of the list as finally revised by the enumerator. R.S.O. 1950, c. 414, s. 107, *amended*.

Polling list to be official list.

104. The polling list for the rural polling subdivision as so certified by the returning officer shall be the official list for

the rural polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the enumerator is discovered, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the list shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, *amended*.

GENERAL

105. Any copies of lists or of statements of changes or additions in any list required by this Part to be distributed to the candidates may be distributed to the official agents of the candidates who have been nominated as such at the pending election, if any. R.S.O. 1950, c. 414, s. 110, *amended*. Distribution of lists to candidates.

106. Every enumerator who wilfully neglects, omits or refuses to perform any of the duties imposed on him by this Act or the regulations shall, for each omission, neglect or refusal be guilty of an offence and on summary conviction shall be liable to a penalty of \$200, and in addition thereto shall forfeit his right to payment for any services already rendered. *New*. Failure of enumerator.

107. The returning officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in his place and stead and, upon receiving notice in writing from the returning officer of his replacement, the enumerator so replaced shall forthwith deliver to the returning officer his credentials and all papers and materials supplied to him. *New*. Replacement of enumerator.

REGULATIONS

108. The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) prescribing the forms, notices and other documents to be used for the purposes of this Part;
- (b) respecting the duties of the clerk of the board, the enumerators and all other clerks and officers appointed or acting under this Part;
- (c) respecting the books and other records to be kept of the proceedings of the board, the enumerators and the revising officers;
- (d) fixing the fees to be payable to the board, the enumerators and the revising officers and clerks for services performed, the witness fees and costs, if

any, the costs of any premises used for the purpose of registration or revision, and the cost of printing the lists, and any other costs incurred in connection therewith, and prescribing the manner in which and by whom they shall be borne and paid;

- (e) fixing the times in connection with the preparation of any list where no other provision in this Part has been made;
- (f) for giving directions as to any matter in connection with the preparation or revision of lists under this Part which is not expressly provided for therein; and
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 414, s. 111.

PART IV

Rev. Stat.,
c. 414, re-
pealed.

109. *The Voters' Lists Act* is repealed.

Commence-
ment.

110. This Act shall come into force on the day it receives the Royal Assent.

Short title.

111. This Act may be cited as *The Voters' Lists Act, 1951*.

SCHEDULE

FORM 1

*The Voters' Lists Act, 1951**Sections 7 (1), 8 (1)*

FORM OF VOTERS' LIST

Voters' List, 19..... of.....
(municipality)

SCHEDULE OF POST OFFICES

1. North Augusta.
 2. Maitland.

3. Wright's Corners.
 4. Prescott.

POLLING SUBDIVISION NO. 1, COMPRISING, ETC.:—(*Giving the Limits*)

PART I—Persons entitled to vote at BOTH Municipal Elections
 and Elections to the Legislative Assembly

Name	Con- di- tion	Lot or street number	Concession number or street name		Post Office address	Jurors' Col.	If Sep. School Sup- porter
Kelly, Patrick....	M	1	Spruce St.	Owner	1		S
Phillips, Frederick	B	3	" "	Tenant	1		
Murray, Alma....	MW	5	" "	M.F.N.C.	1		

(*or where council has directed alphabetical arrangement*)

Anderson, Henry.	M	N W ½ 6	3	Owner	1		S
Andrews, John...	B	W 14 acr. 8	1	F.S.	4		
Archer, Mary....	MW	2	9	M.F.N.C.	4		S
Burton, Samuel..	W'er	E ½ 17	4	See Subdiv. No.	2		
Clark, Edith.....	W	W ½ 17	4	Tenant	5		

PART II—Persons entitled to vote at Municipal Elections ONLY

Name	Lot or street number	Concession number or street name		Post Office address	If Sep. School Supporter
Jones, Douglas.....	2	Spruce St.	Owner	1	
Williams, John.....	4	" "	Tenant	1	S
Andrews, Mary.....	6	" "	M.F.N.C.	1	

(*or where council has directed alphabetical arrangement*)

Archer, Henry.....	4	3	M.F.N.C.	2	
Burke, Edmund.....	W ½ 17	4	Tenant	3	
Jones, David.....	E ½ 17	4	Owner	4	S

POLLING SUBDIVISION NO. 2, COMPRISING, ETC.:—(*Giving the Limits*)

(NOTE: In the Column headed "Condition" insert the initial letter or letters
 "M" (Married); "M.W." (Married Woman); "S" (Spinster);
 "W" (Widow); "W'er" (Widower); "B" (Bachelor), according to
 the circumstances.)

R.S.O. 1950, c. 414, Sched., Form 1, amended.

FORM 2

*The Voters' Lists Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON PART I OF THE VOTERS' LIST

I, A. B., Clerk of the of, in the County of, certify that the within (*or* above) list being the first part of the voters' list constitutes a correct list for the year 19.... of all persons appearing by the assessment roll to be entitled to vote at both elections for members of the Legislative Assembly and municipal elections in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this.....day of, 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 2.

FORM 3

*The Voters' List Act, 1951**Section 10 (1)*

CERTIFICATE TO BE ENDORSED ON PART II OF THE VOTERS' LIST

I, A. B., Clerk of the of, in the County of, certify that the within (*or* above) list being the second part of the voters' list constitutes a correct list for the year 19.... of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this.....day of, 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 3.

FORM 4

*The Voters' Lists Act, 1951**Section 12*

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST

Voters' List, 19....,of, County of.....

Notice is hereby given that I have complied with section 9 of *The Voters' Lists Act, 1951*, and that I have posted up at my office at, on the.....day of, 19...., the list of all persons entitled to vote in the said Municipality at municipal elections and that such list remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law, the last day for appeal being the.....day of, 19....

Dated this.....day of, 19....

A. B.,
Clerk of.....

R.S.O. 1950, c. 414, Sched., Form 4.

FORM 5

*The Voters' Lists Act, 1951**Section 13 (5)*AFFIDAVIT IN SUPPORT OF APPLICATION FOR NAME TO BE
PLACED ON REVISED LIST

I,, of the.....of....., in the County
of....., make oath and say:

1. That I am (or that.....is to the best of my personal
knowledge) a British subject of the full age of 21 years, and not a citizen
or a subject of any foreign country.

2. That on the.....day of....., 19.... (*Fill in the
last day for making complaint to the county judge*), I will have (or the said
.....will have) resided in Canada for the twelve months next
preceding that day and that I am (or the said.....is) a resident
of this municipality.

3. That I am (or the said.....is) entitled to be entered
on the voters' list for the.....of.....

4. That I am not (or that the said.....is not) disqualified
under *The Election Act, 1951*, or otherwise by law prohibited from voting
at elections for the Legislative Assembly.

Sworn before me at the.....}
of.....in the County of.....}
this.....day of....., 19....}

A Commissioner, etc.

R.S.O. 1950, c. 414, Sched., Form 5, *amended*.

FORM 6

*Sections 14 (1), 16 (1)**The Voters' Lists Act, 1951*

NOTICE OF COMPLAINT OR APPEAL

Polling Subdivision No. Ward No. of
(municipality)

(*This notice must not apply to the lists for more than one polling subdivision*)

To....., Clerk of the.....for the
.....of.....

I (*Insert full name—No initials*), a person entered or entitled to be
entered on the voters' list in the above-mentioned municipality in the
electoral district of....., complain that the persons
whose names are set forth in List No. 1, are entitled to be on the voters'
list for the above-mentioned polling subdivision, but are omitted from
the said list; that the persons whose names are set forth in List No. 2 are
incorrectly described in the said list; that the persons whose names are

set forth in List No. 3 ought not to have been entered on the voters' list for the above-mentioned polling subdivision; and take notice that I intend to apply to the Revising Officer in respect thereof pursuant to the statute in that behalf.

(Signed).....

Dated this.....day of....., 19....

LIST No. 1

(Showing voters omitted from or not entered on the Voters' List)

NAMES OF PERSONS	ADDRESS	CONDITION (Here write letters: "M." meaning Married; "B." meaning Bachelor; "W'er" meaning Widower; "M.W." meaning Married Woman; "S." meaning Spinster; "W." meaning Widow; "S.F." meaning Soldier's Franchise.)
<i>Insert full name and do not use initials.</i>		

LIST No. 2

(Showing persons whose names are wrongly stated in Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	The Errors in Statement upon Voters' List
<i>Insert name as entered on list.</i>		

LIST No. 3

(Showing persons whose names ought not to be on Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	Grounds on Which Such Persons' Names Ought Not to be on the Voters' List
<i>Insert name as entered on list.</i>		

(For use by individual complainants)

I, (full name of complainant), a person entered or entitled to be entered on a voters' list in the above-mentioned municipality and electoral district, hereby complain that my name has been omitted from the list for the above polling subdivision, and appeal to have it entered thereon.

(1) I am a British subject by birth.
(If naturalized, cross out "birth", write in "naturalization" and give date of your certificate. Naturalized citizens must bring their certificate of naturalization with them when their appeals are to be heard.)

(3) I have resided in Canada since.....

(4) I have been living at
 (Give present street address, or lot and concession number.)
 since
 (If you have moved within last five months, give each address at
 which you have lived in that period and date of moving from each.)

And take Notice that I intend to apply to the judge in respect thereof, pursuant to the statute in that behalf.

(Complainant sign here)

R.S.O. 1950, c. 414, Sched., Form 6.

The Voters' Lists Act, 1951

Section 16 (3)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE

To His Honour the Judge of the County Court of the County of.....

The Clerk of the.....of.....reports that the several persons mentioned in column 1 of the subjoined schedule, and no others, have given to him written notice complaining of errors or omissions in the voters' list for the said Municipality for 19...., on the grounds mentioned in column 2 of the said schedule, and that such notices were received respectively at the dates set down in column 3 of the said schedule.

A. B.,
Clerk of.....

Schedule

1	2	3
NAME OF COMPLAINANT	ERRORS OR OMISSIONS COMPLAINED OF	DATE WHEN NOTICE OF COM- PLAINT RECEIVED BY CLERK

R.S.O. 1950, c. 414, Sched., Form 7.

FORM 8

*The Voters' Lists Act, 1951**Section 16 (3)*JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND
APPEALS

To....., Clerk of the.....of.....

I appoint the.....of....., 19...., at the
hour of.....at.....in the said county, for holding a
court to hear and determine the several complaints of errors and omissions
in the first and second parts of the voters' list for the.....
of.....for 19....

I direct that the Assessor for the Municipality shall attend the sittings
of the said court, and that the assessment roll and the minutes of the Court
of Revision for the Municipality for 19.... be produced thereat.

Dated this.....day of....., 19....

Judge C. C.

R.S.O. 1950, c. 414, Sched., Form 8.

FORM 9

*The Voters' Lists Act, 1951**Section 16 (3)*NOTICE TO BE POSTED BY CLERK ON HIS OFFICE WITH LIST OF
COMPLAINTS

Notice is hereby given that a court will be held, pursuant to *The Voters'*
Lists Act, 1951, at....., on the.....day of
....., 19...., at.....o'clock,for hearing
all complaints made against the first and second parts of the voters' list
for the.....of.....for 19...., particulars of which
complaints are shown in the subjoined schedule.

Dated this.....day of....., 19....

A. B.,
Clerk of.....

Schedule

NAME OF PARTY COMPLAINING	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE	GROUNDS OF COMPLAINT ALLEGED

R.S.O. 1950, c. 414, Sched., Form 9.

FORM 10

*The Voters' Lists Act, 1951**Section 16 (3)*

CLERK'S NOTICE TO PARTY COMPLAINING

You are hereby notified that a Court of Revision of the first and second parts of the voters' list, 19...., for the.....of..... will be held by the Judge of the County Court of the County of....., at....., on the.....day of....., 19...., at..... o'clock, at which court all complaints will be heard and determined. A list of complaints is posted up in.....and you are hereby required to appear at the court; and take notice that the Judge may proceed to hear and determine the complaints whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of.....

Dated this.....day of....., 19....

To.....

A person complaining of error in the voters' list.

A.B.,

*Clerk of the said Municipality, and
.....of the Court*

R.S.O. 1950, c. 414, Sched., Form 10.

FORM 11

*The Voters' Lists Act**Section 16 (3)*

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST

You are hereby notified that a Court of Revision of the first and second parts of the voters' list, 19...., for the.....of.....

will be held by the Judge of the County Court of the County of.....
, at.....
 on the.....day of....., 19...., at.....
 o'clock, and you are required to appear at the court, for that.....
 has complained that your name.....is wrongly omitted (*or*
inserted as the case may be) in the said voters' list because (*state matter*
of complaint concisely). A list of all complaints lodged is posted up in
; and take notice that the Judge may proceed to
 hear and determine the said complaint whether you appear or not.

By order of His Honour the Judge of the County Court of the County
 of.....

To.....
 Entered on voters' list.

A. B.,
 Clerk of the said Municipality, and
of the Court

R.S.O. 1950, c. 414, Sched., Form 11.

FORM 12

The Voters' Lists Act, 1951

Section 17 (1)

SUBPOENA



ONTARIO:

County of.....
 To WIT:

{ GEORGE THE SIXTH, by the Grace of
 God, of Great Britain, Ireland and the
 British Dominions beyond the Seas,
 King, Defender of the Faith.

To.....Greeting:

We command you, that, all excuses being laid aside, you be and appear
 in your proper person before our Judge of our County Court of the County
 of....., at....., on the.....day of.....,
 19...., at.....o'clock in the.....noon, at a court appointed,
 and there and then to be held, for hearing complaints of errors in the
 voters' list for 19.... of the.....of.....in the
 County of....., and for revision of the said voters' list, then
 and there to testify to all and singular those things which you know in a
 certain matter (*or matters*) of complaint made and now depending before
 the said Judge, under *The Voters' Lists Act, 1951*, where one.....
 is complainant, and which complaint is to be tried at the said court. (*And*
if the witness is required to produce documents) that you bring with you and
 produce at the said time and place (*Set out the documents to be produced*).
 Herein fail not.

Witness, His Honour....., Judge of our said Court at
, the.....day of....., in the
 year of our Lord 19....

A. B.,
 Clerk

R.S.O. 1950, c. 414, Sched., Form 12.

FORM 13

*The Voters' Lists Act, 1951**Section 20 (1)*REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER
SECTION 20

To the Clerk of the Peace of the County of.....

I,, Clerk of the of,
in the County of, do hereby certify as follows:

That I did, on the day of, 19....,
post up, and for a period of days next thereafter did keep posted
up in a conspicuous place in my office at, a correct printed
copy of the first and second part of the voters' list for the of
..... for 19...., made in pursuance of *The Voters' Lists
Act, 1951*, with the certificate required by section 10 of that Act endorsed
thereon.

That I did also deliver or transmit by post the required number of
similar printed copies of the list, with my certificate endorsed, to each of
the persons entitled thereto under section 9 of the said Act.

That I did on the day of, 19....,
cause to be inserted in the newspaper called the ".....",
published in the notice required by section 12 of that Act.

That no person gave me nor did I receive, within 14 days after I had
posted up the list in my office, any written notice of complaint or intention
to apply to the Judge in respect to the list.

And to the best of my knowledge and belief, I have complied with all
the requirements of that Act, so as to entitle me to apply for certified
copies under section 20, and I now apply to you to certify the requisite
number of the copies of the list received by you as being the revised list
of voters for the municipality of the said
of for 19....

Witness my hand this day of, 19....

Clerk of the of

..... P.O.

R.S.O. 1950, c. 414, Sched., Form 13.

FORM 14

*The Voters' Lists Act, 1951**Section 20 (1)*

CERTIFICATE WHERE NO COMPLAINTS

A. B., Clerk of the of having
certified under his hand that no complaints respecting the first or second
parts of the list of voters for the said Municipality, for the year 19....,
had been received by him within 14 days after the first posting up of the
same; and on application of the Clerk:

I,, Clerk of the Peace of the
County of in pursuance of the provisions of *The
Voters' Lists Act, 1951*, certify that the first and second parts of the
annexed printed list of voters, being one of the copies received by me from

the clerk under section 9 of that Act, is the last revised list of persons entitled to vote at elections to the Assembly as well as at municipal elections, and that the second part of the said annexed list is the last revised list of persons entitled to vote at municipal elections only in the said municipality for the year 19.....

Given under my hand at.....,
this.....day of....., 19.....

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 14.

FORM 15

The Voters' Lists Act, 1951

Section 21 (1)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

I,, Judge of the County Court of the County of pursuant to section 21 of *The Voters' Lists Act, 1951*, do hereby certify that the above (*as the case may be*) is a correct copy of the statement of changes made by me in the first and second parts of the list of voters, for the year 19...., received by me from the Clerk of the of, pursuant to the said Act.

Dated this.....day of....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 15.

FORM 16

The Voters' Lists Act, 1951

Section 21 (3)

CERTIFICATE OF CLERK OF THE PEACE WHEN
COMPLAINTS HAVE BEEN MADE

I,, Clerk of the Peace of the County of pursuant to section 21 of *The Voters' Lists Act, 1951*, do hereby certify that the above (*as the case may be*) is a correct copy of the statement of changes made by His Honour, Judge Judge of the County Court of the County of, in the first and second parts of the list of voters for the year 19...., as certified by the said Judge.

Dated this.....day of....., 19....

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 16.

FORM 17

The Voters' Lists Act, 1951

Section 21 (4)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

I,, Judge of the County Court of the County of pursuant to subsection 4 of section 21 of *The Voters' Lists Act, 1951*, do

hereby certify that the above (*as the case may be*) is a correct copy of the first and second parts of the list of voters for the year 19...., received by me from the clerk of the.....of....., according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated this.....day of....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 17.

FORM 18

The Voters' Lists Act, 1951

Section 35 (1)

ORDER FOR PAYMENT OF COSTS

In the matter of the voters' list for the.....of....., 19...., on the complaint or appeal of *A. B.*, complaining of the name of *C. D.* being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint*).

On the proceedings taken before me I find and adjudge that the name of the said *C. D.* was rightly inserted in the said list (*or was wrongly inserted in the said list*), and order that the said *A. B.* do pay the said *C. D.* his costs occasioned by the said complaint (*or and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint*) (*or and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint*) (*or, as the case may be, stating it in brief*), which I fix at the sum of \$.....

Dated this.....day of....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 18.

FORM 19

The Voters' Lists Act, 1951

Section 38

WRIT OF EXECUTION

In the.....Division Court in the County of.....

Whereas on the.....day of....., His Honour,, Judge of the County Court of the County of..... made his order that *C. D.* should pay to *A. B.* dollars as and for his costs sustained by him on the trial of a complaint against the voters' lists for the.....of..... in the said County, for 19...., (*or as the case may be*) made and prosecuted under the provisions of *The Voters' Lists Act, 1951*, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said *C. D.*, in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within 30 days from the date hereof and pay the same over to the Clerk of this Court for the said *A. B.*

Given under the seal of the Court, this..... day of, 19....

X. Y.,
Clerk

To V. W.,
Bailiff of the said Court.

R.S.O. 1950, c. 414, Sched., Form 19.

FORM 20

*The Voters' Lists Act, 1951**Section 43 (1)*

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK

Pursuant to section 43 of *The Voters' Lists Act, 1951*, I, *A. B.*, Clerk of the Peace of the County of....., (*or a person entitled to be entered on the voters' list for the..... of....., for 19....*), hereby inform His Honour the Judge of the County Court of the said County, that *C. D.*, Clerk of the..... of....., in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the list of voters for 19.... for the said Municipality, within 30 days after the return of the assessment roll thereof (*or has not delivered or transmitted copies of the voters' list for the said Municipality, for 19...., to..... and..... and..... or to any of them*) (*or, as the case may be, stating in brief the duty not performed*), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at....., this..... day of....., 19....

A. B.,
Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 20.

FORM 21

*The Voters' Lists Act, 1951**Section 43 (3)*

SUMMONS

In the matter of the voters' list for the..... of....., in the County of....., for 19....

Whereas it appears by the application of *A. B.*, the Clerk of the Peace of the said County (*or a person entitled to be entered on the said list*), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the list of voters for 19.... for the said Municipality, within 30 days after the return of the assessment roll thereof (*or as the case may be, following the application*); and whereas the said *A. B.* has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at..... on..... day of....., 19...., at the hour of....., and produce before me the assessment roll for 19.... for the said Municipality, and any documents in your custody, power or control, relating to the assessment roll, or to the list aforesaid; and submit yourself for examination on oath.

Dated this..... day of....., 19....

To *C. D.*,
Clerk of the Municipality of.....

Judge

R.S.O. 1950, c. 414, Sched., Form 21.

FORM 22

*The Voters' Lists Act, 1951**Section 58*

APPOINTMENT OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

To (*insert name of enumerator*).Whose address is (*insert address*).And whose occupation is (*insert occupation*).

Know you that in pursuance of the authority given by section 58 of *The Voters' Lists Act, 1951*, I, the undersigned, in my capacity as Returning Officer for the Electoral District of..... do hereby appoint you to be one of the enumerators for Polling Subdivision No..... of the said Electoral District, to act as such enumerator in accordance with Part III of *The Voters' Lists Act, 1951*, and to perform and have all the duties and powers imposed upon or exercisable by an enumerator under the said Act.

Given under my hand this.....day of.....

.....
Returning Officer

R.S.O. 1950, c. 414, Sched., Form 22, amended.

FORM 23

*The Voters' Lists Act, 1951**Section 58*

OATH OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

I, the undersigned (*insert name of enumerator*) appointed one of the enumerators for Polling Subdivision No..... of the Electoral District of....., do solemnly swear (*or affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator

R.S.O. 1950, c. 414, Sched., Form 23.

FORM 24

*The Voters' Lists Act, 1951**Section 62 (1)*

ENUMERATORS' RECORD FORM

The following name will appear on the list of persons entitled to vote at the forthcoming election of a member to the Assembly in Polling Subdivision No..... of the Electoral District of.....

Name.....

Address.....

Occupation.....

.....
Enumerator.....
*Enumerator**New.*

FORM 25

*The Voters' Lists Act, 1951**Sections 62 (1), 63 (1), 94 (1)*

VOTERS' LIST FORM FOR USE OF ENUMERATORS

Electoral District.....

Polling Subdivision No.....

Name of Street.....

No.	Name (family or surname first)	Occupation or addition	Residence Street and No.	Remarks
-----	--------------------------------------	------------------------------	--------------------------------	---------

(NOTE: *The list shall be made up in the order of street numbers where there is street numbering in effect and in alphabetical order elsewhere.*)

R.S.O. 1950, c. 414, Sched., Form 24, *amended*.

FORM 26

*The Voters' Lists Act, 1951**Section 62 (4)*NOTICE OF INABILITY TO OBTAIN INFORMATION
FOR PURPOSES OF REGISTRATION

Take notice that the enumerators appointed under Part III of *The Voters' Lists Act, 1951*, attended at the premises known as..... between 9 a.m. and 6 p.m. on....., the..... day of....., and between 7 p.m. and 10 p.m. on....., the..... day of....., but were unable to secure all the information necessary to ensure that they have obtained the names of all persons residing therein who may be qualified to vote at the forthcoming election of a member of the Assembly.

Information relating to the sittings of the revising officer at which any complaint that the name of a voter has been omitted from the voters' list will be heard may be obtained at.....

.....
Enumerator.....
*Enumerator**New.*

FORM 27

*The Voters' Lists Act, 1951**Sections 75 (2, 3), 80*

APPLICATION FOR REGISTRATION

Electoral District of

This application relates to

Surname.....
 First name.....
 Occupation.....
 Address and residence.....

Statement of Facts

1. The above-named was resident in this Electoral District at (*set out his address*) at the date of the issue of the writ of election.
2. The said person is a British subject of the full age of 21 years.
3. The said person has been resident in Ontario during the last 12 months next preceding the day of polling.
4. The said person is not disqualified as a voter for any reason.
5. The said person is accordingly entitled to vote at the pending election of a member to serve in the Legislative Assembly, for this Electoral District, and is entitled to be entered on the Voters' List as a qualified voter.

Declaration and Request of Applicant in Person

I declare that I am the person above described and that the above statement of facts is correct, and I request that my name be entered in the list of voters for Polling Subdivision No.....in this Electoral District.

Dated this.....day of....., 19.....

.....
*Signature of Applicant**Alternative Declaration and Request of Relative or Employer.*

I declare that I am the (*insert "relative" or "employer"*) of the person above described, that I believe the above statement of facts to be correct, and that the person above described is unable to attend in person for the purpose of making this application by reason of sickness or disability, or by reason of necessary, temporary, unavoidable and *bona fide* absence from the municipality.

I request that the name of the person above described be entered in the list of voters for Polling Subdivision No.....in this Electoral District.

Dated this.....day of....., 19.....

.....
Signature of Employer or Relative

FORM 28

*The Voters' Lists Act, 1951**Section 76 (1)*

LIST OF COMPLAINTS OF PERSONS WRONGFULLY REGISTERED

Registrations Complained Against

Electoral District.....

Polling Subdivision No.....

Name (family or surname first)	Occupation or addition	Residence Street and No.	Reasons for Complaint
--------------------------------------	------------------------------	--------------------------------	-----------------------------

And on the last page insert

Dated this.....day of....., 19.....

Signature of Complainant

R.S.O. 1950, c. 414, Sched., Form 26.

FORM 29

*The Voters' Lists Act, 1951**Section 76 (1)*AFFIDAVIT VERIFYING LIST OF COMPLAINTS OF PERSONS
WRONGFULLY REGISTERED

Electoral District.....

Polling Subdivision No.....

I (insert name of complainant) of the.....of.....
make oath and say:

1. I have been entered as a voter by the enumerators in Polling Subdivision No.....for the Electoral District of....., and my name appears on the list of voters prepared by the said enumerator as entitled to vote at the pending election.

2. That there have been included in the list of voters prepared by the enumerator for Polling Subdivision No.....in the Electoral District of....., the persons whose names are set out in the attached list of complaints.

3. That I have good reason to believe and do verily believe that the said names should not appear upon the said list of voters for Polling Subdivision No.....in this Electoral District upon grounds which I will produce before the Revising Officer.

Sworn before me at the.....

of.....

in the County or District of.....

this.....day of.....

*Signature of Complainant**A Commissioner, etc.*

R.S.O. 1950, c. 414, Sched., Form 27.

FORM 30

The Voters' Lists Act, 1951

Sections 76 (2), 77 (2)

NOTICE TO VOTER OBJECTED TO

Electoral District.....

Polling Subdivision No.....

To (*set out name, address and occupation of voter as in list compiled by the enumerator*).

Take notice that a complaint has been filed with me alleging that your name entered upon the list of voters by the enumerator of Polling Sub-division No.....in the Electoral District of.....has been wrongly entered thereon, for the following reason (*set out grounds of complaint*).

If you desire to appear before the Revising Officer to substantiate your right to have your name remain on such list of voters, you must appear before the Revising Officer appointed to revise the list at his sitting held at (*insert the date and hour and place of one of the days appointed for the sittings*).

If you or your representative do not appear before the Revising Officer and establish before him your right to have your name remain on the said list and answer such complaint, the Revising Officer will proceed to hear under oath the evidence as to the complaint, and if satisfied that your name should not remain on such list, he shall strike the same therefrom.

This notice is given pursuant to section 76 (*or 77*) of *The Voters' Lists Act, 1951*.

Dated at....., this.....day of....., 19.....

.....
Clerk to Revising Officer

R.S.O. 1950, c. 414, Sched., Form 28, *amended*.

FORM 31

The Voters' Lists Act, 1951

Section 77 (2)

AFFIDAVIT AS TO DISQUALIFICATION OF PERSON REGISTERED

Electoral District.....

Polling Subdivision No.....

I (*insert name of complainant*) of the.....of.....
make oath and say:

1. I have been entered as a voter by the enumerators in Polling Sub-division No.....for the Electoral District of.....and my name appears on the list of voters prepared by the said enumerators as entitled to vote at the pending election.

2. That there has been included in the list of voters prepared by the enumerators for Polling Subdivision No.....in the Electoral District of.....the name of.....as residing at.....

3. That I have good reason to believe and do verily believe that the said name should not appear upon such list because (*here state reason; see clause c of subsection 1 of section 77*) upon grounds which I will produce before the Revising Officer.

Sworn before me at the.....
 of.....
 in the County (*or District*) of.....
 this.....day of..... *Signature of Complainant*

.....
A Commissioner, etc.

New.

FORM 32.

The Voters' Lists Act, 1951

Section 92

APPOINTMENT OF ENUMERATOR IN RURAL POLLING SUBDIVISIONS

To (*insert name of enumerator*).
 Whose address is (*insert address*).
 And whose occupation is (*insert occupation*).

Know you that in pursuance of the authority given by section 92 of *The Voters' Lists Act, 1951*, I, the undersigned, in my capacity as Returning Officer for the Electoral District of.....
 do hereby appoint you to be the enumerator for Polling Subdivision No..... of the said Electoral District, to act as such enumerator in accordance with Part III of *The Voters' Lists Act, 1951*, and to perform and have all the duties and powers imposed upon or exercisable by an enumerator under the said Act.

Given under my hand this.....day of.....

.....
Returning Officer

R.S.O. 1950, c. 414, Sched., Form 22, *amended*.

FORM 33

The Voters' Lists Act, 1951

Section 92

OATH OF ENUMERATOR

I, the undersigned (*insert name of enumerator*) appointed the enumerator for Polling Subdivision No..... of the Electoral District of....., do solemnly swear (*or affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator

R.S.O. 1950, c. 414, Sched., Form 23, *amended*.

FORM 34

*The Voters' Lists Act, 1951**Section 93*

NOTICE OF RURAL ENUMERATION OF VOTERS

Electoral District.....

Polling Subdivision No.....

Public notice is hereby given that I,, have been appointed enumerator for the above-mentioned rural polling subdivision and am about to prepare a preliminary list of voters who are qualified to vote therein at a provincial election, and that I will complete such preliminary list on, the.....day of....., 19.....

And that during the hours between 10 a.m. and 10 p.m. on....., the.....day of....., 19..... I will attend and remain at.....

(insert an exact description of the place

and where the enumerator intends to remain)

so that I may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the said polling subdivision who is qualified to vote at the pending provincial election or does contain the name of any person who is not qualified to vote thereat.

And that in order that the preliminary list of voters for the said polling subdivision shall be available for inspection by persons desiring to inspect it, a copy thereof will be posted up, forthwith after its completion, at the place described above and will remain so posted until all proper corrections have been made in the list.

And that after 10 p.m. on....., the.....day of....., 19....., no further corrections or additions will be made, and the preliminary list as finally revised and certified by me will constitute the official list of voters to be used for the taking of the vote at the pending election for the said polling subdivision.

Dated at....., this.....day of....., 19.....

.....
Enumerator

New.

BILL

The Voters' Lists Act, 1951

1st Reading

February 28th, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Election Act, 1951

MR. PORTER

(Reprinted as amended by the Committee on Election Laws)

EXPLANATORY NOTES

GENERAL. This revision of the present Act is necessary in order to bring this Act into line with the new *Voters' Lists Act*.

Occasion is also taken to clear up anomalies and the like that have come to light in the existing *Election Act*.

These latter changes are mentioned in the notes to the provisions affected. If no note appears to a provision it may be taken that no change of any importance has been made. However, it is to be noted that a great many minor changes have been made in the Act and particularly in the forms in order to bring them up to date, but no particular note is made of these.

The numbering of the sections of the Bill corresponds with the sections of the present Act.

SECTION 1. The definitions of "advance poll", "agent", "electoral district", "oath", "polling subdivision", "residence", "rural polling subdivision" and "urban polling subdivision" are new.

SECTION 4. Henceforth the powers and duties of the Clerk of the Crown in Chancery will be exercised by the Chief Election Officer.

SECTION 5. The qualifications for the office of Chief Election Officer and Assistant Chief Election Officer are broadened by deleting the requirement that he must be a permanent officer of the Legislature or of the Assembly.

Subsection 3 is clarified.

Subsection 4 now provides that when the Chief Election Officer gives a direction under this provision he gives it to "any candidate or proposed candidate whom he thinks may be affected by such direction" instead of "to candidates and proposed candidates in Ontario of whom he has knowledge".

SECTION 15. At the present time magistrates in cities and towns having a population of 5,000 or over are disqualified from voting. Under this section all magistrates are disqualified.

SECTION 16—Subsection 3. The words at the end of the subsection "nor shall it apply to persons appointed as agents by any candidate" are new.

SECTION 18—Paragraph 1. The present reference to Canadian domicile is deleted. The new qualification is 12 months residence in Ontario and residence in the electoral district when the election writ is issued.

Paragraph 2. The language of this and similar provisions has undergone extensive change in order to bring it up to date, but there has been no change in principle.

SECTION 69. Under the present Act polls in unorganized territory are fixed by the chief enumerator, subject to the approval of the election board. As the office of chief enumerator is abolished, this duty is now given to the returning officer, subject to the approval of the board.

SECTION 76. Polling subdivision lists will contain the names of all persons qualified to vote at that polling subdivision arranged in the order of street numbers, if street numbering is in effect, and alphabetically in other places.

SECTION 88. The privilege of voting at advance polls is extended. Hereafter it may be taken advantage of by any person who will swear that he will be absent in the ordinary course of his business or employment from his electoral district on polling day.

SECTION 95. This is the section under which voters in certain sections of the Province may vote on being vouched for. Its limits are extended to include persons who were included in the first part of the voters' list but whose names were inadvertently omitted from the polling list.

SECTION 112. Clarifies the time an employee may be absent from his place of employment in order to vote.

SECTION 156. At present it is provided that two or more voters may require a returning officer or a deputy returning officer to swear in special constables. Hereafter only a candidate or a candidate's agent may make such a requisition.

Similar changes in principle are made throughout the Act.



BILL

The Election Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation.

- (a) "advance poll" means a poll held under section 88;
- (b) "agent" when used in relation to a candidate includes a scrutineer appointed by the candidate;
- (c) "board" means election board as constituted under this Act for a county or provisional judicial district;
- (d) "candidate at an election" and "candidate" mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;
- (e) "corrupt practice" means bribery and any act declared to be a corrupt practice by this or any other Act of the Legislature or recognized as such by the common law of Parliament;
- (f) "county" includes a district;
- (g) "county court" includes a district court;
- (h) "election court" means a court constituted under *The Controverted Elections Act* for the trial of a petition or a summary trial court constituted under that Act; ^{Rev. Stat., c. 67.}

Rev. Stat.,
c. 340.

- (i) "electoral district" means any place or territorial area designated as an electoral district by *The Representation Act*;
- (j) "form" means a form in the Schedule to this Act or prescribed by the regulations;
- (k) "local municipality" means a city, town, village or township;
- (l) "mariner" means a man or woman who is serving in His Majesty's naval forces or is serving in any capacity on a mercantile vessel registered at any port in the British Commonwealth at the time of the issue of the writ for a provincial election;
- (m) "oath" includes affirmation and statutory declaration;
- (n) "official agent" means the agent appointed by a candidate under section 199;
- (o) "polling list" means the list of voters furnished to a deputy returning officer by the returning officer in accordance with this Act;
- (p) "polling subdivision" means,
 - (i) in a municipality, a polling subdivision prescribed by the council of the municipality or by the returning officer under section 53, and
 - (ii) in territory without municipal organization, a division, subdivision, district, subdistrict or other territorial area fixed by the board for which a voters' list is to be prepared and for which one or more polling places are to be established for the taking of the vote at the election;
- (q) "prescribed" means prescribed by this Act or by the regulations;
- (r) "regulations" means regulations made under this Act;
- (s) "residence" and similar expressions used in relation to a person mean his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place shall be deemed to be his residence.
3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless,
 - a. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or
 - b. he has no quarters in any other electoral district to which he might at will remove;
- (t) "rural polling subdivision" means a polling subdivision no part of which is within a city, town, village or improvement district having a population of at least 5,000 persons, a township having a population of at least 10,000 or a township adjacent to a city having a population of at least 100,000 persons, according to the last Federal census;
- (u) "urban polling subdivision" means a polling subdivision that is wholly within a city, town, village or improvement district having a population of at least 5,000 persons, a township having a population of at least 10,000 persons or a township adjacent to a city having a population of at least 100,000 persons, according to the last Federal census. R.S.O. 1950, c. 112, s. 1, *amended*.

ELECTION BOARDS

- 2.—(1) There shall be an election board in and for every county and provisional judicial district.

Board
for every
county and
district.

Disqualifi-
cation for
election.

(2) No person who is a member of the board or who has been engaged as a revising officer in the preparation of the voters' lists to be used at the election shall be eligible as a candidate at the election. R.S.O. 1950, c. 112, s. 2.

Composition
of boards,
York;

3.—(1) In the county of York the board shall be composed of the judges of the county court.

other
counties
and
districts.

(2) In every other county and provisional judicial district the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and where there is no junior judge of the county or district court, the local master of the Supreme Court, or where the local master is also the judge of the county or district court, the registrar of deeds, and where there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the other members of the board.

City to be
part of
county or
district.

(3) For the purposes of this section, every city shall form part of the county or district in which it is situate, and the board shall have jurisdiction accordingly.

When
deputy
registrar
to act.

(4) Where there is no local registrar of the Supreme Court, the deputy local registrar of the Supreme Court shall be a member of the board.

Chairman.

(5) The judge of the county or district court of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, shall be chairman of the board.

Vacancy
in chair-
manship.

(6) Where the judge or junior or acting judge is unable to act, and, on account of illness or absence, there is no other person who may act in his place, he may appoint in writing some other member of the board as chairman *pro tempore*, or, if he is unable or neglects to do so, the other members of the board may elect a chairman from among themselves.

Clerk
of board.

(7) The board shall appoint one of their own number or some other person to act as clerk of the board.

Oath of
office.

(8) Every member of the board and the clerk before performing any duties of the office shall take an oath before a commissioner for taking affidavits or a justice of the peace to faithfully and impartially perform his duties.

Quorum.

(9) Three members of the board shall form a quorum.

(10) Where there is a vacancy in the membership of the board and there is no official to fill the vacancy or where the number of officials mentioned in subsection 2 is not sufficient to complete the board, the board may appoint some fit and proper person, or a sufficient number of such persons, to complete the membership of the board. Vacancies.

(11) Where an electoral district includes parts of two or more counties or districts, it shall, for the purposes of this Act, be deemed to form part of the county or district in which its greater part is situate. R.S.O. 1950, c. 112, s. 3. Electoral district containing territory in more than one county or district.

CLERK OF THE CROWN IN CHANCERY

4. Wherever in any Act a duty is imposed or a power conferred upon or a reference is made to the Clerk of the Crown in Chancery, the duty shall be discharged, the power exercised by and the reference be deemed to be a reference to the Chief Election Officer. R.S.O. 1950, c. 112, s. 4, *amended*. Powers, etc., to be exercised by C.E.O.

CHIEF ELECTION OFFICER

5.—(1) The Lieutenant-Governor in Council shall appoint a person being a barrister and employed in the public service of Ontario to be Chief Election Officer, and may appoint another person possessing like qualifications to be Assistant Chief Election Officer. Appointment of C.E.O. and A.C.E.O.

(2) It shall be the duty of the Chief Election Officer to consult with and advise the boards throughout the Province, and to supervise and instruct the returning officers, deputy returning officers and poll clerks in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer with a view to facilitating the preparation of the lists and the carrying out of this Act. Powers and duties of C.E.O.

(3) In the absence or illness of the Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer may act in his place and while so acting shall possess the like powers and perform the like duties as the Chief Election Officer. Powers and duties of A.C.E.O.

(4) In cases of emergency for which no provision is made, the Chief Election Officer may give such directions as he deems proper and anything done in compliance with such In cases of emergency.

directions shall not be open to question, but the Chief Election Officer shall immediately give notice of any direction so given by him to any candidate or proposed candidate whom he thinks may be affected by such direction. R.S.O. 1950, c. 112, s. 5, *amended*.

Clerical  assistance.

6. The Chief Election Officer may provide for such clerical and other assistance as may be necessary in the performance of his duties, and the Lieutenant-Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of such officers and of persons employed in the office of the Chief Election Officer. R.S.O. 1950, c. 112, s. 6.

EFFECT OF IRREGULARITIES

Irregularities not affecting result.

7.—(1) No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or
- (d) by reason of any mistake in the use of the forms contained in the Schedule to this Act,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

Irregularities in assessment roll or voters' list.

Rev. Stat., c. 67.

(2) An irregularity in the preparation or revision of any assessment roll or voters' list shall not be a ground for questioning the validity of an election or a return under *The Controverted Elections Act*, or otherwise. R.S.O. 1950, c. 112, s. 7.

ELECTION INTERRUPTED

When election or polling is not commenced or is interrupted.

8. If by reason of riot or other emergency a nomination meeting or the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer or

deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day at 1 p.m. in the case of a nomination meeting and at 8 a.m. in the case of a polling, and continue the same from day to day, if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1950, c. 112, s. 8.

OATHS OR AFFIDAVITS

9.—(1) Except where otherwise provided, any] oath for ^{Who may take affidavits.} the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public.

(2) The returning officer and election clerk shall have power ^{Oaths, who to administer.} to administer any oath required by this Act, and the deputy returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer.

(3) Every person administering an oath under or for the ^{No charge for administering oaths, etc.} purposes of this Act shall administer the same gratuitously. R.S.O. 1950, c. 112, s. 9.

AGENTS

10. A person who is disqualified and incompetent to vote ^{Certain persons disqualified from acting as agents.} under section 15, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an election court, shall not act as agent for a candidate at an election, and every person violating this provision shall be liable to the same penalty as if he had voted at the election. R.S.O. 1950, c. 112, s. 10.

11. A candidate may himself undertake any of the duties ^{Right of candidates to undertake duties of agent.} which his agent, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may attend in pursuance of this Act, except at the marking of a ballot under section 100. R.S.O. 1950, c. 112, s. 11.

12. Where expressions are used in this Act that require or ^{Non-attendance of agents.} authorize any act to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O. 1950, c. 112, s. 12.

PERSON NOMINATED WITHOUT CONSENT

13. Nothing in this Act shall impose any liability upon ^{Non-liability of person nominated without consent.} a person nominated as a candidate or declared to be a

candidate by others without his consent, unless he has afterwards given his assent to the nomination or declaration, or has been elected. R.S.O. 1950, c. 112, s. 13.

QUALIFICATION OF CANDIDATE

Who may
be
candidate.

Rev. Stat.,
c. 202.

14. Any person of the full age of twenty-one years and a British subject by birth or naturalization who has resided in Ontario for the twelve months next preceding the day of polling and who is not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate. R.S.O. 1950, c. 112, s. 14, *amended*.

QUALIFICATION OF VOTERS

WHO SHALL NOT VOTE

Who dis-
qualified
from
voting.

15.—(1) Judges of the Federal and Provincial courts, clerks of the peace, Crown attorneys and magistrates shall be disqualified and incompetent to vote. R.S.O. 1950, c. 112, s. 15 (1), *amended*.

Penalty.

(2) Any person mentioned in subsection 1, who votes, shall incur a penalty of \$2,000 and his vote shall be void. R.S.O. 1950, c. 112, s. 15 (2).

Disqualifi-
cation of
certain
officers.

16.—(1) No returning officer or election clerk shall be entitled to vote, but this provision shall not affect the duty of the returning officer to give a casting vote.

Persons
employed
by can-
didate for
reward.

(2) No person shall be entitled to vote who at any time before or during the election was employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor. R.S.O. 1950, c. 112, s. 16 (1, 2).

Saving as
to election
officers.

(3) Subsection 2 shall not apply to a person who performs any official duty in connection with the election and who receives the fees to which he is entitled nor shall it apply to a person appointed as an agent by a candidate. R.S.O. 1950, c. 112, s. 16 (3), *amended*.

Disqualifi-
cation of
convicts,
mentally ill
persons, etc.

17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital, or who is maintained in

whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry. R.S.O. 1950, c. 112, s. 17.

WHO MAY VOTE

18. Subject to the provisions hereinafter contained, in any electoral district in which an election to the Assembly is held, the following persons being entered on the proper polling list, and no others, shall be entitled to vote at such election: ^{Who may vote.}

1. Every man and every woman who, at the time of voting, ^{Generally.}

- (a) is of the full age of twenty-one years;
- (b) is a British subject;
- (c) is not disqualified under this Act or otherwise prohibited by law from voting;
- (d) has resided in Ontario for the twelve months next preceding the day of polling; and
- (e) resided in the electoral district at the date of the issue of the writ of election.

2. Every man and every woman who, at the time of voting, ^{Disabled soldiers' franchise.}

- (a) is a British subject;
- (b) is not qualified to vote under paragraph 1;
- (c) is not disqualified under this Act or otherwise prohibited by law from voting,

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and whether or not he or she has attained the age of twenty-one years, and who,

- (d) has served or is serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or the armed forces of any part of the British Commonwealth or any ally thereof; and ^{1950, c. 43 (Can.).}
- (e) is an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational

training of persons who have so served or are so serving, or in a hospital or institution for the blind or deaf or an eleemosynary institution, situated in the electoral district,

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise). R.S.O. 1950, c. 112, s. 18, *amended*.

CHANGE OF RESIDENCE WITHIN TWO MONTHS OF POLLING

Removal
from one
electoral
district
to another.

19.—(1) Notwithstanding section 18, a person who was a resident in and is entered on the list prepared for a polling subdivision or polling place in an electoral district, or who would have been entitled to be so entered had he remained a resident in such electoral district, and who has moved from such electoral district in the course of his ordinary profession, occupation or calling, and has become a resident of another electoral district and any person ordinarily resident with the first-mentioned person as a member of his family or household who has so moved with the first-mentioned person, shall be entitled to be entered on the list of voters in the last-mentioned electoral district by the revising officer, or by the judge, as the case may be, upon filing with the revising officer or judge an affidavit (Form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such move was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer or judge may deem necessary.

Certificate.

(2) The revising officer or judge shall give a certificate in writing (Form 2) to every person entered on the list under subsection 1.

Entry after
name of
person so
added.

(3) The revising officer or judge shall write "entered under *The Election Act, 1951*, section 19" after the name of every person entered on the list under subsection 1.

Production
of certificate
at poll.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. R.S.O. 1950, c. 112, s. 19 (1-4).

OCCASIONAL OR TEMPORARY ABSENCE

Occasional
or tem-
porary
absence,
when not to
disqualify.

20. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,

- (a) a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof, or a nurse or nursing sister or in any other capacity with such forces; 1950, c. 43
(Can.).
- (b) a student in attendance at an institution of learning in Canada;
- (c) a mariner within the meaning of this Act,

and such absence shall not disentitle him to be entered on any voters' list or to vote. R.S.O. 1950, c. 112, s. 20.

BRITISH SUBJECTS—NATURALIZATION

21.—(1) A woman shall be deemed to be a British subject by birth or naturalization within the meaning of this Act, so as to entitle her to vote, When
women to
be deemed
British
subjects.

- (a) if she was born a British subject and is unmarried or married to a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or
- (b) if she has become naturalized in her own right as a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or
- (c) if she has become a British subject by the naturalization as a British subject of her parent while she was a minor and has not become a subject of any foreign power or a citizen of any foreign state; or
- (d) if she is married to, or being a widow, is the widow of, a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state,

and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified.

(2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to. Evidence
of facts.

(3) Subsection 1 shall not apply to a person qualified to vote under paragraph 2 of section 18. R.S.O. 1950, c. 112, s. 21. Exceptions
as to
soldiers'
franchise.

INDIANS

Indians,
when dis-
qualified.

22.—(1) A person who is an unenfranchised Indian of whole or part Indian blood and who resides among Indians or on an Indian reserve shall not be entitled to have his name entered on the list of voters or to vote unless he has served or is serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.

Special
oath.

(2) A person alleged by a candidate or by an agent of a candidate to be disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter:

You swear (*or solemnly affirm*) that you are not an Indian or a person having part Indian blood;

or at his option

You swear (*or solemnly affirm*) that you are an enfranchised Indian;

or at his option

You swear (*or solemnly affirm*) that you do not reside among Indians or on an Indian reserve;

or at his option

You swear (*or solemnly affirm*) that you have served or are serving against the King's enemies.

Preparation
of lists on
reserves.

(3) The territory included in an Indian reserve shall be deemed territory without municipal organization. R.S.O. 1950, c. 112, s. 22, *amended*.

PROCEEDINGS PRELIMINARY TO ELECTION

DATES FOR NOMINATION AND POLLING

Nomination
day.

23.—(1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day, not more than sixty and not less than thirty days after the date of the writs of election, for the nomination of candidates.

Polling
day.

(2) Where the nomination day appointed is in the months from April to October inclusive, the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted, and where the nomination day appointed is in the months from November to March inclusive, the fourteenth day after the nomination day shall be the day

on which polling shall take place where a poll is granted.
R.S.O. 1950, c. 112, s. 23 (1), *amended*.

(3) In the case of a general election, the nominations shall be held on the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Date to be same in all electoral districts.

(4) The writs for a general election shall be dated on the same day.

Writs to bear same date.

(5) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. R.S.O. 1950, c. 112, s. 23 (2-4).

Writs to state nomination and polling days.

24. Notwithstanding any of the provisions of this Act, the Chief Election Officer may, immediately after the direction of a writ of election to a person named therein as returning officer, notify him by telegram that a writ of election has been directed to him, and thereupon such person may perform any of his duties under this Act or *The Voters' Lists Act, 1951* although he has not actually received the writ. R.S.O. 1950, c. 112, s. 24.

Notification of appointment as R.O.

1951, c. ...

SUPPLIES

25.—(1) Before every election, the Chief Election Officer shall cause to be printed in conspicuous characters a notice as to secrecy (Form 4) and shall transmit by post to the returning officer of every electoral district such number of copies as he deems sufficient to supply every deputy returning officer with five copies, and every deputy returning officer shall post up one copy in a conspicuous place outside his polling place and one copy in a conspicuous place within his polling place, and he shall see that they remain so posted up from the opening to the close of the poll.

Notice as to secrecy.

(2) The notice may be separate or added to the directions for the guidance of voters in voting (Form 3).

Notice may be separate.

(3) The Chief Election Officer shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act or by Part III of *The Voters' Lists Act, 1951*, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ. R.S.O. 1950, c. 112, s. 25, *amended*.

Supply of forms by King's Printer.

26. Immediately after the issue of the writ, the Chief Election Officer shall supply the returning officer with a sufficient number of blank poll books (Form 5) for the

Supply of poll books and forms.

purposes of the election having regard to the number of polling places within the electoral district, containing the following blank forms:

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Commission of poll clerk.
4. Oath of poll clerk.
5. Oath of secrecy.
6. Schedule for "Notes of objections" to ballot papers under section 115.
7. Statement of the poll after counting the ballot papers.
8. Ballot paper account.
9. Oath of deputy returning officer after closing the poll.
10. Oath of poll clerk after closing the poll.
11. Certificate of returning officer for outside voters.

R.S.O. 1950, c. 112, s. 26.

Transmission
of copies of
this Act.

27. There shall be transmitted to the returning officer with the writ of election such number of copies of this Act and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with at least one copy, and every copy shall contain an alphabetical index. R.S.O. 1950, c. 112, s. 27.

RETURNING OFFICERS

Appoint-
ment of
R.O's.

28. A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. R.S.O. 1950, c. 112, s. 28.

Writs for
elections.

29. Every writ of election shall be addressed to a person who is a British subject of the full age of twenty-one years resident in the electoral district or in a local municipality any portion of which is in the electoral district. R.S.O. 1950, c. 112, s. 29.

Refusal or
incapacity
to act.

30. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. R.S.O. 1950, c. 112, s. 30.

Where ap-
pointment
is subse-
quently
superseded.

31. If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under section 30, a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices

by the person previously named as returning officer. R.S.O. 1950, c. 112, s. 31.

32.—(1) The following persons shall not be appointed or act as a returning officer, deputy returning officer, election clerk or poll clerk: Persons excluded from being returning officers, etc.

1. Members of the Executive Council.
2. Members of the Parliament of Canada or of the Assembly.
3. Ministers, priests or ecclesiastics under any form or profession of religious faith or worship.
4. Judges of Federal or Provincial courts.
5. Persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly.
6. Persons who have at any time been found guilty by a competent tribunal of or reported by an election court for corrupt practices.

(2) Every such person who acts as a returning officer, deputy returning officer, election clerk or poll clerk shall incur a penalty of \$200. Penalty.

(3) A contravention of this section shall not affect the validity of the election. R.S.O. 1950, c. 112, s. 32. Validity of election not affected.

33. The following persons shall not be obliged to act as a returning officer, deputy returning officer, election clerk or poll clerk: Exempted persons.

1. Physicians and surgeons.
2. Postmasters.
3. Persons sixty years of age or more.
4. Persons who have previously served as returning officers. R.S.O. 1950, c. 112, s. 33, *amended*.

34. Every person not disqualified by this Act who refuses to perform the duty of returning officer after having received the writ of election shall incur a penalty of \$200; unless, having Penalty for refusal to act.

a right to claim exemption under section 33, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded it to the Chief Election Officer within the two days next after the receipt of the writ of election. R.S.O. 1950, c. 112, s. 34.

Endorsement on writ.

35. The returning officer shall on receiving the writ endorse thereon the date of its receipt. R.S.O. 1950, c. 112, s. 35.

Oath of R.O.

36. The returning officer shall before the nomination day take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 36.

Proclamation by R.O.

37.—(1) The returning officer shall after the receipt of the writ by proclamation (Form 7) declare,

- (a) the place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the candidates.

When proclamation to be posted up.

(2) The proclamation shall be posted up in the electoral district at least five days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.O. 1950, c. 112, s. 37.

Place and time of nomination.

38. The place for the nomination of candidates shall be the court house, municipal hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose. R.S.O. 1950, c. 112, s. 38.

Places of posting up proclamation.

39.—(1) The returning officer shall cause the proclamation to be posted up,

- (a) at every post office in the electoral district; and
- (b) at least at one other place in every polling subdivision in the electoral district; and

- (c) in a municipality divided into wards, at the municipal hall and in some other public place in each ward in the electoral district, and in other local municipalities, at the municipal hall or other place where the meetings of the council are held.

(2) In territory without municipal organization the proclamation shall be posted up in some public place in the neighbourhood of each place at which a poll is to be held. In territory without municipal organization.

(3) The proclamation shall be posted up in a conspicuous place and may be posted up on either public or private property. R.S.O. 1950, c. 112, s. 39. May be posted on public or private property.

40. A returning officer who refuses or neglects to cause the proclamation to be posted up as prescribed by section 39 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 40. Penalty.

41.—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day, or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day. Unforeseen delays provided for.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37. Form of proclamation.

(3) The polling day shall be the seventh day after nomination day. Polling day.

(4) The returning officer, with his return, shall make to the Chief Election Officer a report of the cause which occasioned the postponement of the election. R.S.O. 1950, c. 112, s. 41. Postponement, report as to cause.

42. Wherever the Lieutenant-Governor in Council is satisfied that communication and travel in an electoral district is likely to be dangerous or to be interrupted, he may direct that all necessary instructions and information relating to the election be transmitted by telephone or by such means as he deems appropriate, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires, and the Lieutenant-Governor in Council may make such order for carrying out this section as he deems proper. R.S.O. 1950, c. 112, s. 42, *amended*. Communication.

ELECTION CLERK

Appoint-
ment of
election
clerk.

43.—(1) The returning officer, by a commission under his hand (Form 8), shall before nomination day appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or
default of
election
clerk.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of
election
clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O. 1950, c. 112, s. 43.

Oath of
election
clerk.

44. The election clerk before entering upon his duties shall take and subscribe the oath (Form 9). R.S.O. 1950, c. 112, s. 44.

Penalty
for
refusing
to act.

45. A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 45.

Appoint-
ment and
oath to
be on
writ.

46. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. R.S.O. 1950, c. 112, s. 46.

Duties and
liabilities
when acting
as R.O.

47. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties, and to all the obligations of that office, in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualifications or to take the oath (Form 6). R.S.O. 1950, c. 112, s. 47.

BALLOT BOXES

Ballot
boxes to be
furnished.

48.—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district.

How made.

(2) Every ballot box shall be made of durable material, provided with lock and key, and so constructed that ballot

papers can be deposited therein but cannot be withdrawn without unlocking the box.

(3) If the returning officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box that he fails to provide. R.S.O. 1950, c. 112, s. 48. Penalty on failure to furnish boxes.

49. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. R.S.O. 1950, c. 112, s. 49. Property of the Crown.

50. Where it becomes necessary to use the ballot boxes, the returning officer shall deliver one ballot box to every deputy returning officer at least two days before the polling day. R.S.O. 1950, c. 112, s. 50. Delivery of ballot boxes to D.R.O.'s.

51. A deputy returning officer who has not been supplied with a ballot box within the time prescribed in section 50 shall cause one to be made forthwith. R.S.O. 1950, c. 112, s. 51. Duty of D.R.O. as to ballot box.

52. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the clerk of the peace in the case of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. R.S.O. 1950, c. 112, s. 52. Return of ballot boxes to municipal clerks and clerks of peace.

POLLING SUBDIVISIONS

53.—(1) In the case of failure of the council to divide a municipality into polling subdivisions, the returning officer shall make the division. When returning office to make division.

(2) Where the council has divided the municipality into polling subdivisions, the returning officer shall not be required to make any change in the boundaries of a polling subdivision. R.S.O. 1950, c. 112, s. 53. When council has divided municipality.

POLLING PLACES

54.—(1) Subject to subsection 3 of this section and sections 55 and 56, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters, and if the board approves, the polling place may be provided outside the limits of the polling subdivision. Polling places.

(2) The returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions. Union of polling subdivisions.

Where
polling places
not to be.
Rev. Stat.,
c. 211.

(3) The poll shall not be held in a premises licensed under *The Liquor Licence Act* or in a place of public entertainment, and there shall be free access to the poll for every voter.

Additional
polling
places.

(4) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any number of its voters from the polling place render necessary.

More than
one polling
place in sub-
division.

(5) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision.

Division to
be according
to initial
letter of
voters'
names.

(6) Where there are two or more polling places in a subdivision, each polling place shall be designated by the initial letters of the surname of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Where
voters
to vote.

(7) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appoint-
ment of
D.R.Os. for
additional
polling
places.

(8) The returning officer shall appoint a deputy returning officer for each such polling place and deliver to him in due time a polling list containing the names of all voters on the proper list of voters for the polling subdivision.

Where
village
includes
portions
of two town-
ships in
different
electoral
districts.

(9) Where an incorporated village includes portions of two townships lying in different electoral districts, the board of the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it deems necessary for the separating of the names of the voters in one polling subdivision from the names of the voters in the other and for distinguishing between the two classes of names in the voters' list of the village, and the clerk of the peace shall prepare a separate polling list for each of such polling subdivisions. R.S.O. 1950, c. 112, s. 54, *amended*.

R.O. to
provide
polling
places.

55.—(1) The returning officer shall provide a proper polling place and shall ensure that it is furnished with light and heat and such other accommodation and furniture as may be required.

(2) A polling place may be situated in a schoolhouse, hall or other public building or on private property, or the returning officer may purchase or construct tents or portable booths or movable structures and without charge may set up or erect the same in any street, lane or vacant lot. Location of polling places.

(3) The number and location of the polling places shall be subject to the approval of the board, and the chairman of the board shall certify in writing that the number of polling places and their location are necessary and proper. Number and location of polls, to be approved by board.

(4) Where it is found that the returning officer has established a polling place which is unnecessary to accommodate the voters and that such polling place has not been approved by the board, the cost to the Province of establishing such poll and conducting the polling thereat shall be borne by the returning officer and deducted from his fee. Cost of unnecessary poll.

(5) The sum of \$12 for every building or part of a building used as a polling place and an additional sum of \$6 for every additional polling place situate in the same building shall be payable by the returning officer to the persons entitled thereto. R.S.O. 1950, c. 112, s. 55. Amount payable for polling places.

SOLDIERS' HOSPITALS

56.—(1) Where in any electoral district there is situate a home or hospital or other institution for the reception, treatment or vocational training of disabled soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and, for the purpose of polling, the institution shall be deemed to be a polling place and every inmate or other person resident in the institution who is entered on the polling list shall vote at such polling place. Polling places in hospitals, etc.

(2) Where a patient or other inmate of such institution is bed-ridden or is unable to walk, it shall be lawful for the deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 100. R.S.O. 1950, c. 112, s. 56. Incapacitated patients.

VOTING COMPARTMENTS

57. Every polling place shall be furnished with compartments in which voters may mark their ballot papers without other persons being able to see how they are marked, and it Compartments for voters to mark ballots.

shall be the duty of the returning officer and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. R.S.O. 1950, c. 112, s. 57.

NOMINATIONS

Proceedings
on nomination
day.

58.—(1) The returning officer, at the time and place fixed for the nominations, shall make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 10) and read or cause to be read publicly the writ of election and his commission as returning officer when he has been appointed by commission, and he shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out.

Nominations
to be in
writing.

(2) The nomination shall be by writing (Form 11) signed by at least 100 duly qualified electors of the electoral district and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as will identify him sufficiently, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Separately
for each
candidate.

(3) Each candidate shall be nominated by a separate nomination paper, and a duly qualified elector may sign the nomination papers of different candidates.

When to
be filed.

(4) The nomination paper shall be produced to and filed with the returning officer at the time and place fixed by the proclamation or on either of the two days next preceding that on which the nomination meeting is to be held.

Consent of
candidate.

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper.

Certificate
of R.O.
as to
regularity.

(6) Where the nomination paper is filed with the returning officer by the candidate or his agent not later than 1.30 p.m. on the day fixed by the proclamation for holding the nomination meeting, the returning officer shall, if requested, then and there examine the paper and if satisfied of the regularity thereof and that it is signed by the proper number of duly qualified electors, he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatever.

Imperfect
nomination
paper.

(7) The returning officer shall not reject any nomination paper that is received before the time fixed for the close of nomination in the proclamation of the returning officer and

that is signed by at least 100 persons purporting to be residents of and electors in the electoral district, and if any nomination paper appears to the returning officer to be invalid for any reason he shall not reject it until he has communicated the facts to the Chief Election Officer and the Chief Election Officer has in writing, signed by him, authorized such rejection, and for the purposes of communicating with the Chief Election Officer the returning officer shall adjourn the proceedings until 1 p.m. on the next day following, when he shall at the same place announce the decision of the Chief Election Officer. R.S.O. 1950, c. 112, s. 58.

59. If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes, and if he refuses or neglects to do so, he shall incur a penalty of \$1,000, and if he declares a candidate to be elected, the election shall be void. R.S.O. 1950, c. 112, s. 59, *amended*. Grant of poll.

60. If only one candidate is nominated, or if by the withdrawal of persons nominated there remains only one candidate, the returning officer, at the expiration of the time in which nominations may be received, shall close the election and openly proclaim the person so chosen to be duly elected. R.S.O. 1950, c. 112, s. 60, *amended*. Election by acclamation.

61. The returning officer shall announce at the place and on the day of nomination, and on or immediately after the day of nomination shall publish at the expense of the candidates, the names and addresses of their official agents in a newspaper published or circulated within the electoral district. R.S.O. 1950, c. 112, s. 61. Official agents.

62.—(1) A candidate may withdraw at any time after his nomination and before the opening of the poll by delivering to the returning officer a declaration in writing (Form 12) to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be void, and if after the withdrawal there remains but one candidate, the returning officer shall return as duly elected the candidate so remaining. Withdrawal of candidate after nomination.

(2) In the case of a candidate withdrawing where there are more than two candidates, the returning officer shall, if possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. R.S.O. 1950, c. 112, s. 62. Idem.

63. If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days Death of candidate.

for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and with his return he shall make to the Chief Election Officer a report of the cause which occasioned the postponement of the election. R.S.O. 1950, c. 112, s. 63.

R.O. to
proclaim
names of
D.R.Os.

64. When a poll has been granted, the returning officer, immediately after having granted a poll and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers, and shall on the written request of a candidate furnish him with a list of the deputy returning officers showing the polling place at which each is to act. R.S.O. 1950, c. 112, s. 64.

POLLING

PROCEEDINGS PRELIMINARY TO THE POLL

Appoint-
ment of
D.R.O.

65.—(1) The returning officer by a commission under his hand (Form 13) shall appoint a deputy returning officer for every polling place.

D.R.O.
to be
voter in
local muni-
cipality.

(2) No person shall be appointed a deputy returning officer who is not a voter in the local municipality wherein the polling place for which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 65.

Oath of
office, etc.

66. Every deputy returning officer before acting shall take and subscribe the oath (Form 14). R.S.O. 1950, c. 112, s. 66.

Penalty for
refusing
to perform
duties of
office.

67. A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 67.

Death or
absence of
D.R.O.

68. In case of the death, illness or absence of a deputy returning officer or his refusal or neglect to act, the returning officer may in the manner provided in section 65 appoint another deputy returning officer to act in his stead, and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1950, c. 112, s. 68.

Polls in
districts.

69. In territory without municipal organization, polls shall be held at such places as may be fixed by the returning officer, subject to the approval of the board. R.S.O. 1950, c. 112, s. 69, *amended*.

70. Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of section 69. R.S.O. 1950, c. 112, s. 70. Municipality without assessment roll.

71. The returning officer shall deliver to each deputy returning officer, at least two days before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.O. 1950, c. 112, s. 71. Supplies to be furnished by returning officer.

72.—(1) If foolscap paper is used for printing the ballot papers it shall be of a weight of not less than 16 pounds to the ream, and if large post paper is used it shall be of a weight of not less than 25 pounds to the ream. Ballot papers weight.

(2) The paper used shall contain a secret thread or other mark so placed as to run through each column of ballots ruled on every sheet of the ballot paper furnished. Paper to show secret marking.

(3) The manufacturer of the paper shall furnish security in such amount as may be fixed by the Lieutenant-Governor in Council that none of the paper manufactured for use in printing the ballots will be supplied by him to any person other than the King's Printer, and upon the delivery of the paper the number of sheets shall be counted by the King's Printer and a receipt therefor in writing signed by the King's Printer shall be given to the manufacturer. Security to be furnished by manufacturer.

(4) The paper required for the printing of the ballot papers shall be furnished to the Chief Election Officer by the King's Printer from time to time as may be required, and the King's Printer and the Chief Election Officer shall check the number of sheets of ballot paper so furnished and the Chief Election Officer shall give to the King's Printer a receipt in writing signed by him. King's Printer to furnish paper to C.E.O.

(5) The Chief Election Officer shall deliver or transmit by express in one or more boxes locked and sealed with his seal to the returning officer for each electoral district a sufficient number of sheets of the paper for the printing of the ballots and the returning officer shall upon receipt of the same count the sheets and forward his receipt therefor (Form 15) to the Chief Election Officer. Supply to be furnished to R.O.

(6) The returning officer shall cause to be printed on the paper furnished to him a sufficient number of ballot papers, not being less than the total number of voters in the electoral district. R.O. to see to printing of ballots.

(7) The printer shall count the sheets of ballot paper delivered to him and shall give a receipt therefor (Form 16) R.O. to give receipt for ballot paper.

to the returning officer, and the returning officer shall transmit it with the other papers relating to the election to the Chief Election Officer.

Form of
ballot.

(8) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper (Form 17), and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

Numbering
ballot
papers.

(9) The ballot papers shall be numbered consecutively on the back of the stubs and the counterfoils, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing 25, 50 or 100 ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity.

(10) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's
name.

(11) The ballot papers shall bear upon the back the name of the printer who printed them.

Affidavit
of printer.

(12) The printer shall make his affidavit (Form 18) and deliver it to the returning officer with the ballot papers. R.S.O. 1950, c. 112, s. 72.

Supply to
D.R.O.

73. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers, and he shall when delivering the same make a record of the numbers on the ballot papers delivered to each deputy returning officer and this record shall be returned to the Chief Election Officer with the other documents required to be returned to him. R.S.O. 1950, c. 112, s. 73.

Copies of
directions
to voters for
D.R.O.

74.—(1) The returning officer shall furnish each deputy returning officer with at least three copies of the printed directions for the guidance of voters in voting (Form 3), and the deputy returning officer shall, before or at the opening of the poll on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place and in each compartment of the polling place.

Receipt to
be given
by D.R.O.

(2) The deputy returning officer shall count the ballot papers as soon as he receives them from the returning officer

and forward a receipt therefor (Form 19) to the returning officer. R.S.O. 1950, c. 112, s. 74.

75. The Chief Election Officer, before each general election and at least once in every year, shall cause a check to be made of all ballot paper furnished to him, and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept except the Chief Election Officer or some person acting directly under his authority. R.S.O. 1950, c. 112, s. 75. ^{Custody of ballot paper.}

PREPARATION OF POLLING LISTS BY CLERK OF THE PEACE

76.—(1) Every returning officer upon granting a poll shall forthwith obtain from the clerk of the peace a sufficient number of copies of the polling list for each polling subdivision in the electoral district to provide one copy for his own use, one copy for each of the deputy returning officers and six copies for each of the candidates at the election, and the polling list shall contain the names of all persons qualified to vote at the election in that polling subdivision and no other, and the returning officer shall immediately cause the polling lists and copies to be delivered to the deputy returning officers and candidates respectively. R.S.O. 1950, c. 112, s. 76 (1). ^{Polling lists.}

(2) Except where the Chief Election Officer otherwise directs, the clerk of the peace shall cause the polling lists prepared by him to be printed on one side of the paper only, and the polling list for each polling subdivision shall contain in one list the names of all persons qualified to vote at the election in that polling subdivision arranged in the order of street numbers in every polling subdivision in which street numbering is in effect, and alphabetically in all other polling subdivisions. R.S.O. 1950, c. 112, s. 76 (2), *amended*. ^{Idem.}

(3) Where a returning officer, instead of subdividing a polling subdivision, provides additional polling places, he shall obtain from the clerk of the peace as many polling lists as may be necessary for such additional polling places. R.S.O. 1950, c. 112, s. 76 (3). ^{Lists for additional polling places.}

(4) Where the Chief Election Officer so directs, the clerk of the peace shall prepare for revision by the revising officers as provided in *The Voters' Lists Act, 1951* a list containing the names of all persons entitled to vote at elections to the Assembly in the polling subdivisions as shown in the first part of the voters' list, and notwithstanding anything in *The Voters' Lists Act, 1951* the list so prepared shall be the list to be revised by the revising officers and shall be posted up and revised and certified in the same manner as lists prepared, ^{List to be prepared by the clerk of the peace.} ^{1951, c. ...}

1951,
c. ...

revised and certified under *The Voters' Lists Act, 1951*. R.S.O. 1950, c. 112, s. 76 (4), *amended*.

List to be
set up in
type.

(5) To avoid expense to the municipalities concerned and to the Province, after the preparation of the list the Chief Election Officer may direct that it shall be typewritten, set up in type and the type kept standing until after the revision and the changes made upon revision incorporated in the list.

Polling lists.

(6) The lists as so prepared, revised and certified shall be the polling lists to be delivered to the deputy returning officers for use at the polling places. R.S.O. 1950, c. 112, s. 76 (5, 6).

Special
directions.

(7) Where it appears to the Chief Election Officer that it is impracticable to carry out any of the provisions of subsections 1 to 6, he may cause such arrangements to be made for preparing the polling list as he may deem proper under the circumstances, and it shall be the duty of the clerk of the peace to carry out any directions or instructions given by the Chief Election Officer under this section, but nothing in this section shall authorize any name to be placed upon or omitted from the polling list which is not entered in the first part of the voters' list prepared by the clerk of the municipality except so far as may be necessary to give effect to the changes made upon the revision of the list by the revising officer. R.S.O. 1950, c. 112, s. 76 (7), *amended*.

Certificate
on polling
list.

77. The clerk of the peace, or in territory without municipal organization, the returning officer, shall add to each polling list a certificate that it contains the names of all persons appearing, according to the proper voters' list, to be entitled to vote at the election in that polling subdivision or at that polling place and no other names. R.S.O. 1950, c. 112, s. 77, *amended*.

POLL CLERKS

Appoint-
ment of
poll clerks.

78.—(1) The deputy returning officer shall by a commission under his hand (Form 20) appoint a poll clerk to assist him in taking the poll, and the poll clerk before acting shall take and subscribe the oath (Form 21).

Penalty.

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it, refuses or neglects either to take and subscribe the oath or to perform the duties of poll clerk, shall incur a penalty of \$40.

Poll clerk
to be a voter.

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of territory

without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 78.

79. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. R.S.O. 1950, c. 112, s. 79. Duties of poll clerk.

80. If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. R.S.O. 1950, c. 112, s. 80. To act as D.R.O. in certain cases.

81. Where a poll clerk acts as deputy returning officer, he may appoint by a commission under his hand (Form 20) another person as poll clerk to assist him in the performance of the duties of his office, and may administer the oath to him, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 81. Appointment of another poll clerk in such cases.

82. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 82. Appointment of poll clerk in certain cases.

CONSTABLES

83. The deputy returning officer may appoint a constable to preserve order at his polling place, but such appointment shall not be made unless it has been authorized in writing by the returning officer or unless a breach of the peace or a violation of the law is threatened or anticipated. R.S.O. 1950, c. 112, s. 83. Constable at polling place.

WHERE VOTERS TO VOTE

84.—(1) Subject to section 85, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision, he shall vote only at the polling place for the subdivision in which he resides at the time of the polling, if entitled to vote in such subdivision. R.S.O. 1950, c. 112, s. 84 (1). Voter to vote in subdivision in which he resides.

Penalty.

(2) A person who votes in contravention of subsection 1 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 84 (3).

D.R.O.,
poll clerk
and agents
may vote at
polling
places where
they are
employed.

85.—(1) The returning officer, on the request of a person entitled to vote who has been appointed a deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give him a certificate (Form 22) that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

When
certificate
for that
purpose may
be given.

(2) The returning officer shall not give such a certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Time of
request.

(3) The returning officer shall not be required to give the certificate unless requested to do so at least two days before polling day.

Polling
place to be
designated.

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

R.O. to keep
a list of
persons
obtaining
certificates.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which the person is authorized to vote under the certificate, and the polling subdivision or polling place in or at which the person appears by the polling list to be entitled to vote, and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Entry of
refusal of
certificate.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last-mentioned person claimed to be the agent of a candidate, the name of the candidate, and the list shall be open to inspection by any candidate or by his agent or by any voter.

Limitation
on number
of certifi-
cated agents.

(7) A returning officer shall not give certificates to more than two agents for the same candidate at one polling place and he shall not give a certificate under this section except upon

the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 85.

86.—(1) A person to whom a certificate is given under section 85 shall on its production be entitled to vote at the polling place designated therein, but the certificate shall not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk or agent during polling day, or entitle an agent to vote who is disqualified under section 16. On production of certificate of R.O.

(2) A person who receives a certificate, whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating this subsection shall incur a penalty of \$400, and every vote cast in contravention of this subsection shall be void. Person receiving a certificate to take oath of qualification before voting.

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer. Before whom oath to be taken.

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book (Form 5), opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under Certificate". Entry on list of persons voting under authority of a certificate.

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper. Certificate to be delivered by person voting.

(6) The deputy returning officer shall enclose all such certificates in one envelope. R.S.O. 1950, c. 112, s. 86. Preservation.

THE POLL

87.—(1) Subject to subsection 2, the polls at every election to the Assembly shall open at 8 a.m. and shall remain open until 7 p.m. of the same day and the voting shall be by ballot in the manner provided by this Act. Hours of polling generally.

(2) Where the board deems it desirable for the convenience of the voters that the polls should be opened in any municipality or electoral district at an earlier hour than 8 a.m., the board may direct the polls to be opened in such municipality or electoral district at any time earlier than 8 a.m., but not earlier than 6 a.m., as the board may deem expedient. R.S.O. 1950, c. 112, s. 87, *amended*. When board may provide for earlier opening.

ADVANCE POLLS

Advance
polls.

88.—(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the electoral district on the day fixed for polling.

Time of
poll.

(2) Polls for receiving the votes of such voters shall be held and kept open from 8 a.m. until 5 p.m. and from 7 p.m. until 10 p.m. on the Thursday, Friday and Saturday of the week preceding the week during which the poll is to be held, and if a holiday falls upon any of such days the poll shall be held on the Wednesday of the same week in lieu of such holiday.

Fixing
of polling
places.

(3) The returning officer shall, with the approval of the board, fix the polling places and appoint a deputy returning officer and poll clerk for each polling place.

Notice of
polls.

(4) Notice of the times and places at which polls will be opened (Form 23) shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the electoral district and, where possible, by advertisement in a newspaper published or circulated in the electoral district.

Declaration
by voter.

(5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I will be absent in the ordinary course of my business or employment from the electoral district of where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at, this day of, 19....

.....
(Signature of Voter)

Witness:

.....
Deputy Returning Officer

Penalty.

(6) Any person signing any such declaration knowing that any statement therein is false shall incur a penalty of \$200.

Record of
declar-
ation.

(7) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has made the declaration men-

tioned in subsection 5 and the number of the polling subdivision in which he is entered on the voters' list.

(8) The ballot box shall not be opened after the opening of the poll until 7 p.m. on the general polling day, but on adjourning the poll each day the deputy returning officer shall, and any candidate or agent present who desires to do so may, affix his seal to the ballot box in such manner that it cannot be opened or any ballot deposited in it without breaking such seal. Ballot box not to be opened.

(9) At the close of the poll each day the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons voting.

(10) Upon receiving from the deputy returning officer the list mentioned in subsection 9, the returning officer shall make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other deputy returning officers' lists.

(11) On the general polling day the deputy returning officer shall in the presence of such candidates and agents as may be present at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by sections 112 to 119. R.S.O. 1950, c. 112, s. 88, *amended*. Close of poll.

MARINERS VOTING BY PROXY

89.—(1) Where the name of a person is entered on the voters' list for a polling subdivision as entitled to vote at elections to the Assembly and he is a mariner, he shall be entitled to vote by proxy as provided in this section. Mariner's right to vote by proxy.

(2) A mariner may appoint in writing (Form 24) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote. Appointment of proxy.

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district and no appointment of a proxy Term of appointment.

shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of the writ.

Application
of proxy
to be entered
on list.

1951,
c.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with *The Voters' Lists Act, 1951* in the municipality in which the mariner is entitled to vote, to be entered upon such list.

Evidence to
be taken by
revising
officer.

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if he finds that the mariner is duly qualified and that the voting proxy is qualified to act for him, he shall give a certificate across the face of the appointment of the voting proxy to that effect (Form 25) and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

Not more
than one
proxy.

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at any election.

Oath on
voting.

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5 and takes the oath (Form 26).

Record of
voting by
proxy.

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Forms and
regulations.

(9) The Lieutenant-Governor in Council may prescribe any further or other forms that he deems necessary for the purposes of this section and may make regulations as to the mode in which proxies may be given and generally for the better carrying into effect of this section and preserving the secrecy of voting in pursuance thereof.

Proxy may
vote in
own right.

(10) A person who has been appointed as a voting proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner.

Offences.

(11) Every person who,

(a) attempts to vote at an election otherwise than by means of such voting proxy while such voting proxy is in force; or

- (b) votes or attempts to vote at any election under the authority of a voting proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

shall be guilty of an illegal practice within the meaning of this Act and shall incur a penalty of \$200 and shall be imprisoned for six months. R.S.O. 1950, c. 112, s. 89.

VOTING BY BALLOT

90. The votes shall be given by ballot. R.S.O. 1950, c. 112, s. 90. Voting to be by ballot.

PROCEDURE AT POLL

91.—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll. Attendance of D.R.O.

(2) During such fifteen minutes and before the opening of the poll, the agents who are entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence and to inspect the ballot papers and all other papers, forms and documents relating to the poll. R.S.O. 1950, c. 112, s. 91, *amended*. Counting ballots before opening of poll.

92. The deputy returning officer shall, before opening the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. R.S.O. 1950, c. 112, s. 92. Deputy to show box empty, and lock and seal it.

93. Not more than one voter for each compartment shall enter the room where the poll is held at any one time, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.O. 1950, c. 112, s. 93. One voter only for each compartment.

94. Subject to sections 86 and 95, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, Persons on polling list to be allowed to vote on taking oath if required.

where required by a candidate or his agent, or by the deputy returning officer, takes the oath of qualification (Form 27 or 28) and the oath of allegiance (Form 29) or whichever is required to be taken. R.S.O. 1950, c. 112, s. 94.

Application
of subss.
2, 3, 4.

95.—(1) Subsections 2, 3 and 4 of this section apply to rural polling subdivisions and to any voter in any polling subdivision whose name was entered in the first part of the voters' list but has been inadvertently omitted from the Provincial polling list and who is otherwise qualified to vote under this Act.

Omission
of name
from polling
list, voting
when
vouched for.

(2) The deputy returning officer, if required by a person whose name is not on the polling list and who is vouched for by an elector whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street number, lot, concession, etc.*), and that your name as you believe has been omitted in error from the polling list. So help you God.

or, if such person claims that his name appears in the first part of the voters' list, an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street number, lot, concession, etc.*), that your name appears in the first part of the voters' list for the polling subdivision in which you reside, that your name as you believe has been omitted in error from the polling list, and that you are qualified to vote at this election. So help you God.

R.S.O. 1950, c. 112, s. 95 (1, 2), *amended*.

Voter to
take oath.

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 29) and the proper oath to be administered to voters (Form 27 or 28) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "Sworn" written thereafter.

Right to
vote.

(4) The applicant upon taking the oath and being vouched for shall be entitled to vote. R.S.O. 1950, c. 112, s. 95 (3, 4).

Administra-
tion of oath
to D.R.O.
voting at
his polling
place.

96. Where a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. R.S.O. 1950, c. 112, s. 96.

When
D.R.O. to
swear voter.

97.—(1) If a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as

being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been requested to do so or not.

(2) Every deputy returning officer who acts in contravention of this section shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 97.

98. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 17 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. R.S.O. 1950, c. 112, s. 98.

D.R.O. to put initials on back of ballot paper and number on counterfoil.

99. The deputy returning officer shall, upon the request of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 100. R.S.O. 1950, c. 112, s. 99.

Instructions to voter.

100.—(1) On the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, the deputy returning officer shall require the voter making the application to take an oath (Form 30) of his incapacity to vote without assistance, and shall thereafter assist the voter by marking his ballot in the manner directed by the voter in the presence of the agents of the candidates in the polling place and of no other person, and place the ballot in the ballot box.

Voter incapacitated by blindness, etc.

(2) The deputy returning officer shall either deal with a blind voter in the manner provided in subsection 1, or at the request of any blind voter who has taken the oath (Form 30) and is accompanied by a friend, shall permit the friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

Blind voter's ballot marked by friend.

(3) Any friend who is permitted to mark the ballot of a blind voter under subsection 2 shall first be required to take an oath (Form 31) that he will keep secret the name of the candidate for whom the ballot of the blind voter is marked by him.

Oath of friend.

(4) No person shall be allowed to act as the friend of more than one blind voter at any polling place.

May act as friend once only.

Entry in
poll book.

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked by him or by a friend of the voter. R.S.O. 1950, c. 112, s. 100.

Voters who
cannot
speak
English.

101.—(1) Where a voter does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter and his answers, and the interpreter shall take the following oath:

I swear (*or affirm*) that I will faithfully translate the oaths, declarations, questions and answers that the deputy returning officer requires me to translate at this election. So help me God.

If no in-
terpreter,
no vote.

(2) If no interpreter is found or presents himself at the polling place, the voter shall not be allowed to vote. R.S.O. 1950, c. 112, s. 101.

Mode of
marking,
folding
and depos-
iting ballot
paper.

102. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper, making a cross with a pen or pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. R.S.O. 1950, c. 112, s. 102, *amended*.

Entries to
be made in
poll book
as to
voters.

103. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. R.S.O. 1950, c. 112, s. 103.

Voter re-
fusing to
be sworn.

104.—(1) A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote, and the vote of such person, if taken and received, shall be void.

Penalty.

(2) Every deputy returning officer who receives such vote or causes it to be received shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 104.

105. A voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box. R.S.O. 1950, c. 112, s. 105.

Voter to leave as soon as possible.

106. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper. R.S.O. 1950, c. 112, s. 106.

Exclusion from balloting compartment.

107. A person who has received a ballot paper shall not take it out of the polling place, and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot paper, but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 107.

Voter not to take his paper from polling place, etc.

108.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Voter who alleges he has been personated.

(2) The deputy returning officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Initials and number to be put on back

(3) The name of the voter shall be entered on the poll book and a note shall be made on his having voted on a second ballot paper and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. R.S.O. 1950, c. 112, s. 108.

Name of voter, etc., to be entered in poll book.

109. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first-mentioned ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 109.

Where ballot paper accidentally spoilt.

110. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote, and a person who has placed or caused to be placed

What shall be deemed a tender of a vote and a voting.

his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box, shall be deemed to have voted. R.S.O. 1950, c. 112, s. 110.

Who may be
in polling
place.

111. In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. R.S.O. 1950, c. 112, s. 111 (1), *amended*.

Consecu-
tive hours
for voting.

112.—(1) Every employee who is a qualified voter shall, while the polls are open on a polling day at an Ontario election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for three consecutive hours his employer shall allow him such additional time for voting as may be necessary to provide the three consecutive hours; no employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours; the additional time for voting above referred to shall be granted at the convenience of the employer.

Penalty.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of the consecutive hours for voting, as in this section provided, is guilty of an offence against this Act punishable on summary conviction by a penalty of \$200 and an additional penalty of an amount equal to the amount of any deduction or reduction which he has made in contravention of this section. R.S.O. 1950, c. 112, s. 112, *amended*.

PROCEEDINGS AFTER CLOSE OF POLL

Duties of
deputy
returning
officer
after close
of poll.

113. Immediately after the close of the poll the deputy returning officer shall place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: The number of voters who voted at this election in this polling place is (*stating the number*), and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box

and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1950, c. 112, s. 113.

114. In counting the votes the deputy returning officer shall reject all ballot papers, herein called "rejected ballot papers", What ballot papers to be rejected in counting votes.

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 108,

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid the same or warrant its rejection. R.S.O. 1950, c. 112, s. 114.

115.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper by a candidate or his agent, and shall decide the objection subject to review on recount or on petition questioning the election or return. Objections to be noted.

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. and numbered and initialled. R.S.O. 1950, c. 112, s. 115.

116.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account of the number of ballots cast for each candidate and of the number of rejected and cancelled ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes. How ballots to be counted.

(2) All rejected and unused ballot papers shall be put into separate envelopes which shall be endorsed so as to indicate their contents, and sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. Rejected and unused ballot papers. R.S.O. 1950, c. 112, s. 116.

117.—(1) The deputy returning officer shall make out a statement in triplicate (Form 32), one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box. Statement of result to be made by D.R.O.

Signatures
to
statement.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present who desire to sign it. R.S.O. 1950, c. 112, s. 117 (1, 2).

Certificate
of result
of poll.

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, a certificate (Form 33) of the number of ballots cast for each candidate and of the number of rejected ballot papers. R.S.O. 1950, c. 112, s. 117 (3), *amended*.

Oath of
poll clerk.

118. The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (Form 34). R.S.O. 1950, c. 112, s. 118.

Poll book,
envelopes,
etc., to be
placed in
large en-
velope in
ballot box.

119. The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O. 1950, c. 112, s. 119.

Ballot box
to be de-
livered to
R.O.

120.—(1) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him the oath (Form 35). R.S.O. 1950, c. 112, s. 120 (1), *amended*.

Right of
candidates,
etc., to be
present.

(2) The candidates or their agents shall be entitled to be present when the ballot box is delivered pursuant to subsection 1. *New*.

Ballot box
may be for-
warded by
registered
post.

(3) In lieu of proceeding under subsection 1, after locking and sealing the ballot box the deputy returning officer may forward it by registered post to the returning officer.

Oath of
D.R.O.

(4) As soon as the deputy returning officer has complied with subsection 1 or 2 he shall take and subscribe the oath (Form 36) and shall personally deliver or transmit it by registered post to the returning officer. R.S.O. 1950, c. 112, s. 120 (2, 3).

Duty of
R.O. on
receipt
of boxes.

121. When the returning officer receives a ballot box he shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it, and immediately on the receipt of a ballot box he shall seal it with his own seal in such a way that it cannot be opened without his seal being broken and

without effacing or covering the seals affixed to it. R.S.O. 1950, c. 112, s. 121.

122. The returning officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them and the large envelope containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1950, c. 112, s. 122.

Count by R.O. and declaration of result.

123. If on the addition of the votes by the returning officer an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O. 1950, c. 112, s. 123.

Casting vote.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

124. If all the ballot boxes are not returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. R.S.O. 1950, c. 112, s. 124.

Adjournment of proceedings where ballot boxes not delivered.

125. If a deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.O. 1950, c. 112, s. 125.

Where default made by D.R.O. in returning documents.

126. If any of the ballot boxes have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.O. 1950, c. 112, s. 126.

Disappearance of ballot boxes, duty of R.O.

127. If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain the

Procedure by R.O. where lists, statements, etc., cannot be found.

total number of votes given for each candidate at the several polling places, and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice, and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question. R.S.O. 1950, c. 112, s. 127.

When
D.R.O. has
neglected to
deliver
statement
of result.

128. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of the deputy returning officer and shall have the powers conferred by section 127. R.S.O. 1950, c. 112, s. 128.

Special
report
by R.O.

129. The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O. 1950, c. 112, s. 129.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE

Interpre-
tation.

130.—(1) In this section and in sections 131 to 143, “judge” means the judge of the county or district court, and where there are two or more judges, the senior judge, or in case of the illness or absence of the senior judge or where the senior judge requests him to act, a junior judge. R.S.O. 1950, c. 112, s. 130 (1).

Where
recount
may be
had.

(2) If within four days after the day on which the returning officer added the votes for the purpose of declaring a candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate,

- (a) that a deputy returning officer has in counting the votes improperly counted any ballot paper, improperly rejected any ballot paper or made an incorrect statement of the number of ballots cast for any candidate; or
- (b) that the returning officer has improperly added up the votes,

and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, postal notes, money orders or a cheque drawn upon and accepted by a chartered bank or trust company doing business in Ontario as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election. R.S.O. 1950, c. 112, s. 130 (2), *amended*.

(3) Where the electoral district comprises parts of two or more counties, the application shall be made to and the recount or final addition shall take place before the judge of the county court of the county having the larger or largest population according to the last Federal census. R.S.O. 1950, c. 112, s. 130 (3). What judge to hold recount when district in two or more counties.

131. At least two days notice in writing of the time and place appointed shall be given to the candidates, the returning officer and the election clerk, and the judge may at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer and the election clerk may be substitutional, or be made by mail, or in such other manner as he thinks fit. R.S.O. 1950, c. 112, s. 131. Notice of time and place of recount.

132. The returning officer after the receipt of the notice shall delay making his return to the Chief Election Officer until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate he shall make his return. R.S.O. 1950, c. 112, s. 132. R.O. to withhold return.

133. The judge may require the clerk of the county court to be present at the time and place appointed. R.S.O. 1950, c. 112, s. 133. Presence of county court clerk.

134.—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers or the original statements of the poll, as the case may be. Summoning officers to be present with documents.

(2) The ballot papers and original statements shall continue in the custody of the returning officer and he shall be responsible for them subject to any direction that the judge may give with respect thereto. R.S.O. 1950, c. 112, s. 134. Production and custody of ballot papers on a recount.

135. The returning officer and the election clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than two agents, and may himself be present, and except with the Who to be present at recount.

sanction of the judge, no other person shall be present. R.S.O. 1950, c. 112, s. 135 (1, 3), *amended*.

Procedure
by judge.

136. At the time and place appointed and in the presence of such of the persons mentioned in section 135 as are present, the judge shall make the final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,

- (a) the used ballot papers that have been counted;
- (b) the rejected ballot papers;
- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers.

R.S.O. 1950, c. 112, s. 136.

Recount to
proceed con-
tinuously.

137.—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between 6 p.m. and 9 a.m.

Care of
documents
during
recount.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the other persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. R.S.O. 1950, c. 112, s. 137.

Rules to
govern
judge in
proceedings.

138. The judge shall, in the case of a recount, proceed according to the rules of the counting of the ballot papers at the close of the poll by the deputy returning officer, and shall verify and correct the statement of the poll (Form 32). R.S.O. 1950, c. 112, s. 138.

Sealing up
ballot at
close of
recount.

139.—(1) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of the final addition he shall seal up the original statements in their respective envelopes.

Distin-
guishing
disputed
ballots.

(2) If either party requests him to do so, the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O. 1950, c. 112, s. 139.

140.—(1) The judge shall, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein. Reviewing decision of R.O. when ballot box or documents missing.

(2) For the purpose of arriving at the facts, the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O. 1950, c. 112, s. 140. Powers of judge.

141.—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided. When judge to send in certificate.

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall certify forthwith the result to the returning officer who shall then declare the candidate having the largest number of votes to be elected. When declaration of result to be given.

(3) In case of an equality of votes, the returning officer shall give the casting vote. R.S.O. 1950, c. 112, s. 141. Casting vote.

142.—(1) The costs of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom, and in what manner they shall be paid. Costs.

(2) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. R.S.O. 1950, c. 112, s. 142. Taxing and allowing costs.

143. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O. 1950, c. 112, s. 143. Deposits, disposal of.

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

144.—(1) If a party desires to appeal from the decision of the judge who conducted the recount or final addition, he may do so on giving notice in writing to the opposite party and to that judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge.

Service of
notice of
appeal.

(2) The notice may be served upon the opposite party personally or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Court of Appeal may direct.

Ballots,
etc., to be
forwarded
to Registrar
of Supreme
Court.

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall seal up the ballots that are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the Registrar of the Supreme Court, but if the appeal is not limited, that judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing
copy of
certificate
of judge.

(4) The judge who conducted the recount or final addition shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

Appoint-
ment for
hearing
of appeal.

(5) On receipt of the ballot papers and notice, the Registrar shall forthwith obtain an appointment from a judge of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal
may be
heard.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

Procedure
on hearing
of appeal;
certificate
of result.

(7) At the time appointed the judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.

Costs of
appeal.

(8) The judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1950, c. 112, s. 144.

ELECTION RETURN

When
return to
be made.

145.—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 37) to the Chief Election Officer that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

(2) The returning officer shall accompany his return to the Chief Election Officer with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.O. 1950, c. 112, s. 145. Report by R.O.

146.—(1) The returning officer shall at the same time transmit to the Chief Election Officer, enclosed in a box or other covering, securely locked, sealed with the seal of the returning officer, the writ, the list mentioned in subsection 5 of section 85, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers. R.O. to transmit to C.E.O. the ballot papers, etc.

(2) The returning officer shall endorse on the package a description of its contents, the date of the election to which they relate and the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election. Endorsement thereon.

(3) The packages shall be sent by express or by registered post. How to be sent.

(4) An affidavit (Form 38) shall be made by the returning officer forthwith after transmitting his return, and it shall be transmitted forthwith by him to the Chief Election Officer by registered post. Oath of R.O. after transmitting return.

(5) The returning officer shall at the same time or within ten days thereafter transmit to the Chief Election Officer in a box or other covering, securely locked and sealed with the seal of the returning officer, all the packages of ballot papers not distributed by him to the deputy returning officers, all ballot paper returned to him by the printer, all documents, papers, stationery and supplies in his possession, all receipts for paper given to him for ballot paper, and a record of all ballot paper supplied to him by the Chief Election Officer and a complete record of its disposal. Return of unused material.

(6) The returning officer shall paste upon the box mentioned in subsection 5 a label with the words "Unused Election Material", the name of the electoral district and the date of the election written or printed thereon. R.S.O. 1950, c. 112, s. 146. Endorsement on package.

147.—(1) If a returning officer wilfully delays, neglects or refuses, Application to compel returning officer to add up votes, make return, etc.

(a) to add up the votes;

- (b) to declare to be elected the candidate having the largest number of votes;
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes,

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that he is shown to have omitted.

Notice of application.

- (2) The notice shall be served upon the returning officer and upon the persons who were candidates at the election.

Application of Rev. Stat., c. 190 and rules.

- (3) In other respects *The Judicature Act* and the rules made thereunder shall apply to such application.

Other rights and remedies.

- (4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. R.S.O. 1950, c. 112, s. 147.

Notice of return in Ontario Gazette.

- 148.** The Chief Election Officer shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of *The Ontario Gazette* notice of the receipt of the return, the date of such receipt and the name of the candidate elected. R.S.O. 1950, c. 112, s. 148.

CUSTODY OF ELECTION PAPERS

How long to be retained and when to be destroyed.

- 149.—**(1) Subject to this Act, the Chief Election Officer shall retain in his possession the documents transmitted to him by the returning officer under section 146 for at least one year, and if the election is contested, then for one year after the termination of the contestation.

How to be kept by C.E.O.

- (2) The Chief Election Officer shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

Marking boxes when not to be destroyed.

- (3) If notice of the presentation of a petition is received by the Chief Election Officer or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". R.S.O. 1950, c. 112, s. 149.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

150. All documents forwarded by a returning officer in pursuance of this Act to the Chief Election Officer, other than ballot papers, shall be opened to public inspection at such time and under such regulations as may be prescribed by him, and he shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of 10 cents for each 100 words, and in computing the number of words a figure shall be counted as a word. R.S.O. 1950, c. 112, s. 150, *amended*.

Inspection
of other
documents.

151.—(1) No person shall be allowed to inspect any ballot paper in the custody of the Chief Election Officer except under an order of a judge of the Supreme Court.

Inspection
to be under
order of
judge.

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of the ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

When order
to be
granted.

(3) The order may be made subject to such conditions as the judge may think proper.

Conditions
of order.

(4) Subject to the order, the inspection shall take place under the immediate supervision of the Registrar of the Supreme Court at his office in Osgoode Hall, and he shall be present during the inspection, and so long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1950, c. 112, s. 151.

Where
inspection
takes place.

152. Where an order is made by a judge of the Supreme Court for the production by the Chief Election Officer of any document in his possession relating to an election, the production of it by him or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1950, c. 112, s. 152.

Evidence
as to
documents,
ballot
papers, etc.,
in certain
cases.

153.—(1) Notwithstanding anything in sections 150, 151 and 152, all documents, including used and unused ballot papers, relating to an election in the custody of the Chief Election Officer or of any other person, may be opened, inspected and examined under such conditions and regulations

Inspection
of
documents
under order
of Privileges
and Elec-
tions Com-
mittee.

as may be made by the Committee on Privileges and Elections of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and upon any such proceeding before the Committee any such document may be filed as an exhibit and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto.

Compellability of witnesses.

(2) Upon such inquiry, no person shall be excusable as a witness on any ground of privilege or upon the ground that his answer may expose him to criminal proceedings or to any penalty that may be imposed under any statute of Ontario. R.S.O. 1950, c. 112, s. 153.

PRESERVATION OF THE PEACE

Powers of R.O. and D.R.O.

154. A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall have and may exercise the powers of a justice of the peace. R.S.O. 1950, c. 112, s. 154.

Assistance by justices and constables.

155. A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he may deem necessary. R.S.O. 1950, c. 112, s. 155.

Special constables.

156. On a requisition in writing made by a candidate or by his agent, a returning officer shall swear in as many special constables as may be necessary. R.S.O. 1950, c. 112, s. 156, *amended*.

Arrest and imprisonment on verbal order.

157. A returning officer or deputy returning officer may arrest, or by verbal order cause to be arrested and placed in the custody of a constable or other person, any person disturbing the peace and good order at the election, and may cause the person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be. R.S.O. 1950, c. 112, s. 157.

SECRECY OF PROCEEDINGS

Maintaining secrecy of proceedings.

158.—(1) Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference with voters.

(2) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper,

or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted. R.S.O. 1950, c. 112, s. 158. Communicating information as to how a voter is voting.

159. No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted. R.S.O. 1950, c. 112, s. 159. Inducing voter to display ballot after marking.

160. No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to a voter at a polling place under section 108, except to a court or judge lawfully requiring him to do so, or attempting to ascertain at the counting of the votes the number on the back of any such ballot paper. R.S.O. 1950, c. 112, s. 160. Communicating information as to number on back of ballot.

161. Subject to section 100, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he has voted to be known. R.S.O. 1950, c. 112, s. 161. Voter not to display marked ballot.

162. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 39). R.S.O. 1950, c. 112, s. 162. Oath of secrecy.

163.—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been violated, he shall communicate the particulars with all convenient speed to the Crown attorney. Proceedings where officers aware of violation of secrecy.

(2) The Crown attorney shall, on receiving such information from such officer or from any other person, forthwith inquire into the case and if proper prosecute the offender. R.S.O. 1950, c. 112, s. 163. Duty of Crown attorney thereon.

164. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. R.S.O. 1950, c. 112, s. 164. No one compellable to disclose his vote.

CORRUPT PRACTICES, ETC.

Bribery,

165.—(1) Every person who,bribing
voter or
procuring
bribery
by money;

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

by gift
or offer
or promise
of employ-
ment;

(b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

to induce
anyone to
procure
return of
candidate;

(c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

receiving
bribe to
procure
return of
candidate;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

advancing
money to
be spent in
corrupt
practices;

(e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;

applying for
money or
employment
in consider-
ation of
voting;

(f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing

or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment;

- (g) before or during an election, directly or indirectly, ^{receiving money, office, etc., for having} himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;
- (h) after an election, directly or indirectly, himself or ^{receiving money corruptly after election;} by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election;
- (i) in order to induce a person to allow himself to be ^{giving or promising office to induce candidate to stand or withdraw;} nominated as a candidate; or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person; or
- (j) in order to induce a person to withdraw from being a ^{bribing candidate to retire.} candidate at an election, directly or indirectly, gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or any other person,

shall be guilty of bribery and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. ^{Saving as to personal expenses of candidates.}

Saving as to distribution of political literature.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest during the election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. R.S.O. 1950, c. 112, s. 165.

Furnishing meat, drink, etc., forbidden except at residence of the person furnishing.

166.—(1) A candidate shall not, nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of the candidate or other person at a meeting of voters assembled for the purpose of promoting the election, before or during the election, or pay or promise or engage to pay therefor; but nothing in this section shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where the residence is a private house.

Penalty.

(2) Every person offending against this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 166.

Treating.

167.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expense incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

Giving refreshments *prima facie* evidence of corrupt practice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of treating not sufficient answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. R.S.O. 1950, c. 112, s. 167.

Candidate betting.

168.—(1) Every candidate who, before or during the election makes, or takes a share or interest in, or in any manner becomes a party to, a bet or wager upon the result of the election in the electoral district in any part thereof or

on any event or contingency relating to the election, shall be guilty of a corrupt practice.

(2) Every candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice. Providing money for betting.

(3) Every person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. R.S.O. 1950, c. 112, s. 168. Other persons.

169.—(1) Every candidate who himself or by any other person on his behalf and every other person who, Hiring conveyances to carry voters to poll.

(a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter, other than the hirer, to or near or from or on the way to or from a polling place, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in paragraph 5 of subsection 2 of section 200.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election. Furnishing transportation to voters.

(3) For the purpose of this section, "conveyance" includes automobile, horse, team, carriage, cab, vehicle, boat and vessel. Interpretation.

(4) Save as provided in subsection 1, nothing in this Act shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. R.S.O. 1950, c. 112, s. 169. Use of private vehicle.

Providing refreshments on nomination day or polling day.

170. The giving or causing to be given to a voter on nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice and the person so offending shall incur a penalty of \$10. R.S.O. 1950, c. 112, s. 170.

Undue influence.

171.—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflict or threatens to inflict injury, damage, harm or loss, or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200 and shall also upon conviction be imprisoned for one year.

Pretence that ballot is not secret.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1950, c. 112, s. 171.

Personation.

172.—(1) Every person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) Every person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 172.

Procuring appointment as D.R.O. or poll clerk by fraud.

173. Every person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority, shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 173.

174. Every person who knowingly appoints an election clerk, deputy returning officer or poll clerk who has at any time been found guilty by a competent tribunal of a corrupt practice or reported by an election court for a corrupt practice, shall be guilty of a corrupt practice and shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 174.

Appointing persons as election officers who have been guilty of corrupt practice.

175. Every person who votes knowing that he has no right to vote, and every person who induces or procures any other person to vote, knowing that the other person has no right to vote, shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 175.

Voting by persons not entitled to vote to be a corrupt practice.

176. Every person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.O. 1950, c. 112, s. 176.

Publishing false statement of withdrawal of candidate.

177. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 178, be void. R.S.O. 1950, c. 112, s. 177.

Corrupt practices by candidate or his agent to avoid election.

178. If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds,

When court finds candidate not personally guilty, then result not affected.

- (a) that no corrupt practice was committed at the election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election;
- (c) that the corrupt practice was of a trivial, unimportant and limited character; and
- (d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and his agent,

then the election of the candidate shall not, by reason of the corrupt practice, be void. R.S.O. 1950, c. 112, s. 178.

When dis-
qualification
incurred.

179. No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an election court. R.S.O. 1950, c. 112, s. 179.

Candidate
guilty of
corrupt
practice
disqualified
for 8
years.

180.—(1) Subject to subsection 2, where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Saving
where
corrupt
practice
committed
in excusable
ignorance.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance that was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under subsection 1. R.S.O. 1950, c. 112, s. 180.

Disqualifi-
cation of
persons
other than
candidates.

181.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless the finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 180.

Rev. Stat.,
c. 67.

Exemptions.

(2) No person shall be subject to the penalties and disabilities referred to in subsection 1 by reason of,

(a) a mere technical breach of law; or

(b) an act not being an intentional violation of law.
R.S.O. 1950, c. 112, s. 181.

Appeal.

182. Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent, there may be an appeal as provided by *The Controverted Elections Act*, and if the Supreme Court

determines that a corrupt practice was committed, then unless the court is of the opinion that the case falls within section 178, the election shall be void, but the candidate shall not be disqualified. R.S.O. 1950, c. 112, s. 182.

183. If an election is set aside and a second election had, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 180. R.S.O. 1950, c. 112, s. 183.

Where second election held as result of protest.

184. If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for the candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. R.S.O. 1950, c. 112, s. 184.

Votes to be struck off on scrutiny when corrupt practice is proved.

185. If on the trial of an election petition, a candidate is proved to have personally engaged a person as a canvasser or agent, knowing that he has, within the eight years previous to the engagement, been found guilty by a competent tribunal of or reported by an election court for a corrupt practice, the election of the candidate shall be void. R.S.O. 1950, c. 112, s. 185.

Election of candidate to be void for employing agent previously found guilty of corrupt practice.

186. If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Supreme Court, upon the motion of the person disqualified and upon being satisfied that the disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. R.S.O. 1950, c. 112, s. 186.

Removal of disqualification on proof that disqualification was procured by perjury.

187. Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. R.S.O. 1950, c. 112, s. 187.

Executory contracts arising out of elections to be void.

188. No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.

previously *bona fide* prosecuted the other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. R.S.O. 1950, c. 112, s. 188.

Returning officers, etc., wilfully falsifying or altering list of voters.

189. A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 189.

Offences relating to ballot papers.

190. Every person who,

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon;
- (b) without authority, supplies a ballot paper to any person;
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein;
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer;
- (e) fraudulently takes a ballot paper out of the polling place;
- (f) without authority, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purpose of an election;
- (g) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

- (i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (j) attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and in the case of any other person, shall on conviction be liable to imprisonment for one year. R.S.O. 1950, c. 112, s. 190.

191.—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. c. 112, s. 191.

Abettors punishable.

192.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election shall incur a penalty of \$20 in respect of each such ballot paper.

Penalty for D.R.O. omitting to initial ballots.

(2) Every deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 113 to 120 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O. 1950, c. 112, s. 192.

D.R.O. or poll clerk neglecting duties.

193. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 193.

Wilful misconduct in counting ballots, etc.

194. Every person who acts in contravention of sections 158, 159, 160 or 161 shall be liable on conviction to imprisonment for a term of not more than six months. R.S.O. 1950, c. 112, s. 194.

Penalty for violating secrecy.

Penalty to
persons
aggrieved.

195. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. R.S.O. 1950, c. 112, s. 195.

How pen-
alties re-
coverable.
Rev. Stat.,
c. 67.

196. Subject to *The Controverted Elections Act*, and except as in this Act otherwise provided,

- (a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by anyone who sues for the same in any court of competent jurisdiction, and the court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;
- (b) it shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;
- (c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. R.S.O. 1950, c. 112, s. 196.

Prosecutions
for corrupt
practices
punishable
by im-
prisonment.

197. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Controverted Elections Act*. R.S.O. 1950, c. 112, s. 197.

Writ, etc.,
need not be
produced at
trial.

198. In any proceeding under sections 196 and 197, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election, but general evidence shall be sufficient. R.S.O. 1950, c. 112, s. 198.

ELECTION EXPENSES, FEES, ETC.

Appoint-
ment of
official
agent.

199.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer at the expense of the candidate in the manner provided by section 61. R.S.O. 1950, c. 112, s. 199.

On death or incapacity of an agent, appointment of another.

200.—(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent.

Payments not to be made except through official agent.

(2) The expression "personal expenses" when used in this section includes the following expenses, and payment therefor may lawfully be made by the candidate personally:

Interpretation.

1. Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same.
2. Reasonable and ordinary travelling and living expenses of the candidate.
3. Reasonable and ordinary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate.
4. Reasonable and ordinary charges for the hire of conveyances for the use of the candidate.
5. Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

Burden of proof.

(4) The contracting for or the receipt of the ordinary and reasonable charges,

Receipt of ordinary and reasonable charges, when not to disqualify voter.

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election;
- (b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by paragraph 5 of subsection 2,

shall be lawful and shall not disqualify him from voting. R.S.O. 1950, c. 112, s. 200.

Claims on candidates.

201.—(1) Every person who has any claim against a candidate for or in respect of an election shall send it in within sixty days from the day of the declaration of the result of the election to the official agent of the candidate, otherwise he shall be barred of his right to recover it. R.S.O. 1950, c. 112, s. 201 (1), *amended*.

Case of death of person making claim.

(2) In case of the death within such period of the person having the claim, his legal representative shall send it in within one month after probate or administration has been obtained, otherwise the right to recover it shall be barred.

Case of death of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed, the claim may be sent in or delivered to the candidate.

Agent not to pay without authority of candidate.

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent. R.S.O. 1950, c. 112, s. 201 (2-4).

Payment of accounts.

202.—(1) Notwithstanding anything in section 201, any claim that would have been payable if sent in within sixty days of the day of the declaration may be paid by the candidate through his official agent after that time if the claim is approved by a judge of the Supreme Court or by the judge of the county court of a county in which the electoral district or some part of it is situate. R.S.O. 1950, c. 112, s. 202 (1), *amended*.

Advertising claims.

(2) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1950, c. 112, s. 202 (2).

203.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent by agent to R.O.

(2) The returning officer, within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulated in the electoral district.

Abstract thereof to be published.

(3) Every agent or candidate who makes default in delivering the statements to the returning officer shall incur a penalty not exceeding \$25 for every day during which he so makes default.

Penalty for default in delivering statement.

(4) Every agent or candidate who wilfully furnishes an untrue statement to the returning officer shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 203.

Penalty for false statement.

204. The returning officer shall preserve all such statements, bills and vouchers, and shall, during the six months next after they have been delivered to him, permit any voter to inspect them on payment of a fee of 25 cents. R.S.O. 1950, c. 112, s. 204.

R.O. to preserve bills, etc., and allow inspection.

205.—(1) The fees and expenses to be allowed to the officers and other persons for their services and disbursements under this Act shall be fixed by the Lieutenant-Governor in Council.

Tariff of fees.

(2) The fees and expenses to be allowed to the returning officers, boards, and other officers and persons for services performed under this Act shall, so far as the same are payable by the Province, be payable out of the Consolidated Revenue Fund.

Payment of expenses of Act.

(3) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accountable warrants.

Accounts
and audit.

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs.

Audit by
Auditor of
Criminal
Justice
Accounts.

(5) All accounts respecting such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the provincial Auditor shall countersign the same. R.S.O. 1950, c. 112, s. 205.

Rev. Stat.,
c. 112,
repealed.

206. *The Election Act* is repealed.

Commence-
ment.

207. This Act shall come into force on the day it receives the Royal Assent.

Short title.

208. This Act may be cited as *The Election Act, 1951*.

SCHEDULE

FORM 1

*The Election Act, 1951**Section 19 (1)*AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST
AFTER CHANGE OF RESIDENCE

I, (*insert given names and surname*), of the (*city, town, village or township*) of (*name of municipality*), (*occupation*), make oath and say (*or solemnly affirm*):

1. That I am of the full age of 21 years (*or I will be of the full age of 21 years on the.....day of....., being the date fixed for holding the poll at this election*).

2. That I am a British subject.

3. That I have resided in Ontario since the.....day of....., 19.... (*naming a date at least 12 months prior to the date fixed for holding the poll*).

4. That I resided in (*state municipality from which move took place*) and was entered on the last revised voters' list for that municipality (*or was entitled to be entered on the last revised voters' list for that municipality*).

5. That had I continued to reside in that municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.

6. That on the.....day of..... (*insert date of move*), I moved from that municipality to this city (*town, village or township*), and now reside at (*insert street number, lot and concession of place of residence*), and that such move took place in the pursuit of my ordinary profession (*or occupation or calling*) and not for the purpose of enabling me to vote at this election in this municipality.

[*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household of a person who has so moved in the pursuit of his ordinary occupation or calling or business,*

6. That on the.....day of..... (*insert date of move*), I moved from that municipality to this city (*town, village or township*) with C. D. as a member of his family or household, being the wife (*or son or daughter or other relation or dependant, naming the relationship or connection*) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (*or occupation or calling*) and not for the purpose of enabling him or the members of his family to vote at this election.]

7. That I now reside in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act, 1951*, or otherwise prohibited by law from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (*or affirmed*) before me at
the.....of.....
this.....day of....., 19....

A. B.,
Applicant

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 2.

FORM 2

*The Election Act, 1951**Section 19 (2)*CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON MOVING
FROM ONE ELECTORAL DISTRICT TO ANOTHER

County of..... To Wit:

I,.....(*name of revising officer or judge*),
do certify that.....(*insert*
name of voter), having duly filed with me the affidavit required by section
19 of *The Election Act, 1951* as having moved into the Electoral District of
.....(*insert name of district*)
within two months from the day fixed for holding the poll at the election
of a member to serve in the Assembly for the said Electoral District and
having satisfied me that he is entitled to be entered on the list of voters
in the.....of.....and to vote therein at
the poll to be held on the.....day of....., I have
caused his name to be entered upon the list of voters for polling subdivision
No.....in the.....of.....as provided by the said
Act, and I believe him to be duly entitled to vote at the said poll.

Dated this.....day of....., 19....

.....
Revising Officer or Judge
as the case may be

R.S.O. 1950, c. 112, Form 3.

FORM 3

*The Election Act, 1951**Sections 25 (2), 74 (1)*

DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter shall vote for one candidate only.

The voter shall go into one of the compartments and with the black lead pencil there provided place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.

If a voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, and Joseph O'Neil, and the voter has marked his ballot paper in favour of Joseph O'Neil, and the counterfoil has been detached:



1 WM. R. BROWN
of the City of Toronto. Barrister.



2 FRANK HAMON
of the City of Toronto. Artist.



3 JOSEPH O'NEIL
of the City of Toronto. Gentleman.

X



FORM 4

*The Election Act, 1951**Section 25 (1)**To be put up at all Polling Places*

NOTICE AS TO SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place that may enable or assist a person to ascertain how another person has voted.

It is also the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting.

Any person who acts in contravention of his duty in any of these particulars is liable to imprisonment for a term not exceeding six months.

It is further provided by *The Election Act, 1951* that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year (*Section 190*).

The Election Act, 1951 further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of \$400 (*Section 95*).

A. B.,
Chief Election Officer

R.S.O. 1950, c. 112, Form 5.

FORM 5
The Election Act, 1951
Sections 26, 86 (4)

FORM OF POLL BOOK

Consecutive Number	NAMES OF VOTERS	Place of Residence	Occupation	Objections	Sworn or affirmed	Refused to swear or affirm or to answer	Marks indicating that Voter has voted	REMARKS

R.S.O. 1950, c. 112, Form 6.

FORM 6

*The Election Act, 1951**Sections 36, 47*

OATH OF RETURNING OFFICER

I, A. B., Returning Officer for the Electoral District of, swear (or solemnly affirm) that I am legally qualified to act as Returning Officer for the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at
the.....of.....
this.....day of....., 19..

A. B.,
Returning Officer

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 7.

FORM 7

*The Election Act, 1951**Section 37 (1)*

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME
AND PLACE FOR THE NOMINATION OF CANDIDATES
AND THE DAY FOR OPENING THE POLL

PROCLAMATION

Electoral District of.....

Public Notice is hereby given that in obedience to His Majesty's Writ to me directed and bearing date the.....day of, 19...., I require the presence of the voters at the Town Hall (or as the case may be), in the County (or Township or City or Town) of.....on the.....day of, 19...., from 1 p.m. until 2 p.m., for the purpose of nominating a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be open on the.....day of, 19...., from 8 a.m. until 7 p.m. as follows:

For the polling subdivision No. 1, consisting of (or bounded as follows: or otherwise describing it clearly) at.....
(describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral district).

And further, that at (describe place where votes will be added up) on theday of, 19...., at the hour of, I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God Save the King.

Given under my hand at.....this.....day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 8.

FORM 8

*The Election Act, 1951**Section 43 (1)*

COMMISSION OF ELECTION CLERK

To *E. F.* (*set forth his residence and occupation*)

In my capacity as Returning Officer for the Electoral District of I hereby appoint you to be my Election Clerk, to act in that capacity at the approaching election for the said Electoral District, which election will be opened by me on the day of 19.... (*the date to be inserted here is the day of nomination*).

Given under my hand at this day of 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 9.

FORM 9

*The Election Act, 1951**Section 44*

OATH OF ELECTION CLERK

I, *E. F.*, appointed Election Clerk for the Electoral District of swear (*or solemnly affirm*) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the of
this day of 19...

E. F.,
Election Clerk

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 10.

FORM 10

*The Election Act, 1951**Section 58 (1)*PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE
TO BE READ ON NOMINATION DAY

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while His Majesty's Writ for the present Election is publicly read.

God Save the King.

R.S.O. 1950, c. 112, Form 11.

FORM 11

*The Election Act, 1951**Section 58 (2)*

FORM OF NOMINATION PAPER

We, the undersigned, electors of the Electoral District of.....
....., hereby nominate (*name, residence and addition or
description of person nominated*) as a candidate at the election about to be
held of a member to represent the said Electoral District in the Legislative
Assembly. (*Where the person nominated is absent from Ontario, add: The
said....., nominated in the foregoing
nomination paper, is now absent from Ontario.*)

Witness our hands at....., in the said
Electoral District, this.....day of....., 19....

Signed by the said electors in the
presence of.....
.....(addition) }

Signatures and residence and
addition

I, the said....., nominated in the foregoing
nomination paper, hereby consent to such nomination.

Witness my hand at....., this.....day of
....., 19....

Signed by the said nominee in the
presence of.....
.....(addition) }

J. K.

R.S.O. 1950, c. 112, Form 12.

FORM 12

*The Election Act, 1951**Section 62 (1)*

WITHDRAWAL OF CANDIDATE

I,....., a candidate nominated for the
Electoral District of....., hereby withdraw.

Dated at.....this.....day of....., 19....

.....
Candidate

Witness

R.S.O. 1950, c. 112, Form 13.

FORM 13

*The Election Act, 1951**Section 65 (1)*

COMMISSION OF DEPUTY RETURNING OFFICER

To *G. H.* (set forth his residence and occupation)

In my capacity as Returning Officer for the Electoral District of I hereby appoint you to be Deputy Returning Officer for Polling Place No. of the Township (*or as the case may be*) of in the said Electoral District, there to take the votes of the voters and you are hereby authorized and required to open and hold the poll at the said Polling Place on the day of 19...., at 8 a.m., at (*here describe particularly the place in which the poll is to be held*), and to keep the poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and after counting the votes given, to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this Commission.

Given under my hand at this day of 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 14.

FORM 14

*The Election Act, 1951**Section 66*

OATH OF DEPUTY RETURNING OFFICER

I, *G. H.*, appointed Deputy Returning Officer for Polling Place No. of the Township (*or as the case may be*) of swear (*or solemnly affirm*) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the of
this day of 19....

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

G. H.,
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 15.

FORM 15

*The Election Act, 1951**Section 72 (5)*RECEIPT OF RETURNING OFFICER FOR BALLOT PAPER RECEIVED FROM
CHIEF ELECTION OFFICER

I,, Returning Officer for the Electoral District
of, do hereby acknowledge that I have this day
received from the Chief Election Officer sheets
of ballot paper, ballots to the sheet, total weight,
the same being for use at the vote to be taken on the day of
....., 19....

Dated at this day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 17.

FORM 16

*The Election Act, 1951**Section 72 (7)*RECEIPT OF PRINTER FOR BALLOT PAPER RECEIVED FROM
RETURNING OFFICER

I (or We) do hereby acknowledge receipt of sheets of ballot
paper, ballots to the sheet, from the Returning Officer for
the Electoral District of, the same to be printed
as per instructions for use at the vote to be taken on the day of
....., 19....

Dated at this day of, 19....

.....
Printer

R.S.O. 1950, c. 112, Form 18.

FORM 17

*The Election Act, 1951**Section 72 (8), 98*

FORM OF BALLOT PAPER

(Front)

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines shall be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1 WM. R. BROWN
of the City of Toronto, Barrister.

2 FRANK HAMON
of the City of Toronto, Artist.

3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.

4 JOHN R. SMITH
of the City of Toronto, Merchant.

FORM 17—*Continued*

FORM OF BALLOT PAPER

(Back)

No. 325.
.....No. 325.
.....

POLL BOOK

No.

D.R.O.
INITIALS

ELECTORAL DISTRICT

OF

19

R.S.O. 1950, c. 112, Form 16.

FORM 18

*The Election Act, 1951**Section 72 (12)*

AFFIDAVIT OF PRINTER

I,, swear (or solemnly affirm):

1. That by direction of the Returning Officer for the Electoral District of, I printed the ballot papers for use at the election to be held on the day of, 19....
(insert date of polling) on the paper furnished by him for that purpose.

2. That the attached form shows the description of the ballot papers printed by me as aforesaid.

3. That I supplied the Returning Officer with of such ballot papers.

4. That I returned to the Returning Officer spoilt ballot papers and unused sheets of ballot papers.

5. That no other such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at
the of
this day of, 19....

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

(The Returning Officer will ensure that the copy of the ballot paper is attached.)

R.S.O. 1950, c. 112, Form 19.

FORM 19

*The Election Act, 1951**Section 74 (2)*

RECEIPT FOR BALLOT PAPERS RECEIVED FROM RETURNING OFFICER

(Count your ballots, fill in this Form and forward at once to Returning Officer)

....., 19....

I,, Deputy Returning Officer for Polling Subdivision No. in the Electoral District of, hereby acknowledge that I have received from Returning Officer for the said Electoral District, books of ballot papers and have carefully examined and counted them and find that they contain ballots.

.....
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 20.

FORM 20

*The Election Act, 1951**Sections 78 (1), 81*

COMMISSION OF POLL CLERK

To *J. C. (set forth his residence and occupation)*

In my capacity of Deputy Returning Officer for Polling Place No....., of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand at.....this.....day of....., 19....

.....
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 22.

FORM 21

*The Election Act, 1951**Section 78 (1)*

OATH OF POLL CLERK

I, *J. C.*, appointed Poll Clerk for Polling Place No..... of the Township (*or as the case may be*) swear (*or solemnly affirm*) that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the.....of.....
this.....day of....., 19...

J. C.,
Poll Clerk

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 21.

FORM 22

*The Election Act, 1951**Section 85 (1)*

CERTIFICATE OF RETURNING OFFICER FOR OUTSIDE VOTERS

I,, Returning Officer for the Electoral District of, at the request of of the of Merchant (*or as the case may be*), an elector of the said Electoral District, who has been appointed Deputy Returning Officer (*or Poll Clerk or Agent*) for one of the Candidates at this election (*as the case may be*) for polling subdivision No., of the of (*or as the case may be*) in the said Electoral District do hereby certify that the said is entitled to vote at this election at the polling place for the said polling subdivision, being the polling place where he is to be stationed during the polling day.

Dated at this day of, 19....

.....
Returning Officer

NOTE.—This certificate is not to be signed by the returning officer until the name, residence and occupation of the person to whom it is granted have been filled in.

R.S.O. 1950, c. 112, Form 23.

FORM 23

*The Election Act, 1951**Section 88 (4)*

NOTICE OF HOLDING AN ADVANCE POLL

Notice is hereby given that pursuant to *The Election Act, 1951* (section 88) a poll for the Electoral District of will be open on and the and days of 19...., from 8 a.m. until 5 p.m., and from 7 p.m. until 10 pm.

The polling place for the said electoral district will be located at for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the electoral district on the day fixed for polling.

The ballot box will be opened and the votes counted at o'clock in the of the day of at the said place.

Dated at this day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 24.

FORM 24

*The Election Act, 1951**Section 89 (2)*

APPOINTMENT OF PROXY

I,, of the of
 in the County of, being a voter entered on the voters'
 list, with a right to vote at the pending election in the of
 in the Electoral District of, hereby
 nominate and appoint of in
 the County of as my true and lawful
 (occupation)
 attorney for me and in my name to vote at the said Election;

And I hereby certify that I am a British subject, of the full age of 21
 years, and otherwise entitled to vote at the said Election.

In witness whereof I have hereunto set my hand on board the steamship
 at this day of
, 19....

Witness:

}

R.S.O. 1950, c. 112, Form 25.

FORM 25

*The Election Act, 1951**Section 89 (5)*

CERTIFICATE OF REVISING OFFICER

I, *A. B.*, the revising officer duly appointed under *The Voters' Lists Act, 1951* for the purpose of revising the voters' list to be used at the election now pending for the Electoral District of do certify that *C. D.*, a voter entered on the voters' list and having the right to vote at the pending election in the of in the Electoral District of, duly appeared before me at my sittings for the revision of the lists for the of and that upon the evidence there tendered by him (or on his behalf) I find that *E. F.*, named in this appointment as a mariner, is duly qualified to vote at the said pending election, and that the said *C. D.* is a person duly qualified to act as proxy for the said mariner and to vote on his behalf at the said Election.

Dated this day of, 19....

.....
 Revising Officer

R.S.O. 1950, c. 112, Form 26.

FORM 26

*The Election Act, 1951**Section 89 (7)*FORM OF OATH TO BE ADMINISTERED TO A PROXY VOTING
FOR A MARINER

You swear (*or* solemnly affirm):

1. That you are the proxy for the mariner having the name of in the polling list now shown to you and that the said mariner signed the proxy.

2. That the said mariner is of the full age of 21 years.

3. That the said mariner is a British subject.

4. That the said mariner is not a citizen or subject of any foreign country.

5. That the said mariner has resided within Canada for the 12 months last past, except for temporary absences as a mariner.

6. That the said mariner has resided in the electoral district continuously for the two months last past, and is now actually resident or domiciled therein except for such temporary absences as a mariner.

7. That the said mariner is not disqualified from voting at this election and is entitled to vote at this election and at this polling place.

8. That you verily believe that the said mariner has not voted before at this election or at any other polling place.

9. That you verily believe that the said mariner has not received anything or has anything been promised him directly or indirectly to induce him to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you verily believe that the said mariner has not directly or indirectly promised anything to any person to induce him to vote or refrain from voting at this election.

11. That you have not been paid or promised or received anything for or in connection with voting on behalf of the said mariner and that you verily believe that the said mariner executed the said proxy in good faith.

12. That you are voting on his behalf in good faith at this election.

So help you God.

R.S.O. 1950, c. 112, Form 27.

FORM 27

*The Election Act, 1951**Sections 94, 95 (3)*FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER
SECTION 18, PARAGRAPH 1

You swear (*or solemnly affirm*):

1. That you are the person having the name of
in the polling list now shown to you (*or where a voter votes under a certificate
given under section 85 of The Election Act, 1951 that you are the person
named in the certificate now shown to you*).

2. That you are of the full age of 21 years.

3. That you are a British subject.

4. That you are not disqualified under *The Election Act, 1951* or otherwise prohibited by law from voting.

5. That you have been a resident of Ontario for the past 12 months.

6. That you were ordinarily resident in this electoral district at the date of the issue of the writ of election.

(*or at the option of the voter*)

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act, 1951* and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(*No. 7 is to be used if the voter is the holder of a certificate under section 19*)

7. That you are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 29, *amended*.

FORM 28

*The Election Act, 1951**Sections 94, 95 (3)*

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST

You swear (or solemnly affirm):

1. That you are the person having the name of in the polling list now shown to you (or where a voter votes under a certificate given under section 85 of *The Election Act, 1951* that you are the person named in the certificate now shown to you).

2. That you are a British subject.

3. That you are not disqualified under *The Election Act, 1951* or otherwise prohibited by law from voting.

4. That you served or are serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.

5. That you are an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational training of persons who have so served or are so serving, or such hospital or institution for the blind or deaf or an eleemosynary institution situated in the electoral district, namely (*naming the hospital, etc., in which the voter is a patient*).

6. That you have not before voted at this election at this or any other polling place.

7. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

8. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 30, *amended*.

FORM 29

*The Election Act, 1951**Sections 94, 95 (3)*

FORM OF OATH OF ALLEGIANCE

I,, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the reigning sovereign for the time being*), his heirs and successors according to law. So help me God.

R.S.O. 1950, c. 112, Form 28, *amended*.

FORM 30

*The Election Act, 1951**Section 100 (1, 2)*

FORM OF OATH OF INABILITY TO READ

I, *A. B.*, of....., swear (*or solemnly affirm*) that I am unable to read [*or that I am from physical incapacity unable to mark a ballot paper (as the case may be)*].

Sworn (<i>or affirmed</i>) before me at the.....of..... this.....day of....., 19... Having been first read over to the above named <i>A. B.</i> , and signed by him in my presence with his mark. Deputy Returning Officer	} <i>A. B. (His X mark)</i>
---	-----------------------------

R.S.O. 1950, c. 112, Form 31.

FORM 31

*The Election Act, 1951**Section 100 (3)*

OATH OF FRIEND OF BLIND VOTER

I,....., of the.....
(*insert name of friend*)
of....., in the County of.....,
....., swear (*or solemnly affirm*) that I will
(*occupation*)
keep secret the name of the candidate for whom I mark the ballot of
....., on whose behalf I act. So help me God.
(*name of blind voter*)

Sworn (<i>or affirmed</i>) before me at the.....of..... this.....day of....., 19... Deputy Returning Officer	} <i>Signature of friend</i>
--	---------------------------------------

R.S.O. 1950, c. 112, Form 32.

FORM 32

*The Election Act, 1951**Sections 117 (1), 138*

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

Polling Place No.....

Electoral District of.....

Number of ballot papers received from the re- turning officer		
Number of ballots cast for		
" " " " "		
" " " " "		
" " " " "		
" " " " "		
Number of ballot papers declined (Section 107) ..		
Number of ballot papers taken from polling place (Section 107)		
Number of ballot papers cancelled (Section 109) ..		
Number of ballot papers rejected (Section 114) ..		
Number of ballot papers not used and returned ..		
Totals		

We hereby certify that the above statement is correct.

Dated at this day of, 19....

A. B.,
Deputy Returning OfficerC. D.,
Poll Clerk

(Candidates or agents may also sign)

R.S.O. 1950, c. 112, Form 33.

FORM 33

*The Election Act, 1951**Section 117 (3)*

CERTIFICATE TO BE DELIVERED TO CANDIDATES

I, the undersigned, Deputy Returning Officer for Polling Place No. in the of in the Electoral District of, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:

NAMES OF CANDIDATES	NUMBER OF BALLOTS
.....
.....
.....
.....
.....
.....

and also that ballot papers were rejected.

Dated at this day of, 19.....

G. H.,
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 34.

FORM 34

*The Election Act, 1951**Section 118*

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I,, Poll Clerk for Polling Place No. in the Electoral District of, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of *G. H.*, who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed) before me at
the of this
day of, 19.....

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

I. J.,
Poll Clerk

R.S.O. 1950, c. 112, Form 35.

FORM 35

*The Election Act, 1951**Section 120 (1)*

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY
RETURNING OFFICER IS UNABLE TO DELIVER THE
BALLOT BOX TO THE RETURNING OFFICER

I,, swear (*or solemnly affirm*) that I am the person to whom, Deputy Returning Officer for Polling Place No. of the of in the Electoral District of, entrusted the ballot box for the said polling place to be delivered to the Returning Officer; that the ballot box which I delivered to the Returning Officer this day, is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer. So help me God.

Sworn (*or affirmed*) before me at
the of this
day of, 19.....

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 36.

FORM 36

*The Election Act, 1951**Section 120 (3)*

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I,, Deputy Returning Officer for Polling Place No. of the Electoral District of, swear (*or solemnly affirm*) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me, in accordance with the provisions of *The Election Act, 1951*, and remained so locked and sealed while in my possession.

Sworn (*or affirmed*) before me at
the of this
day of, 19.....

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

G. H.,
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 37.

FORM 38

*The Election Act, 1951**Section 146 (4)*AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING
HIS RETURN TO THE CHIEF ELECTION OFFICER

I,, Returning Officer for the Electoral District
of, swear (or solemnly affirm):

1. That, of the packets received by me as such Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.

2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act, 1951*.

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers (or in the case of a recount add, except by the judge of the county court, on a recount).

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Chief Election Officer my return in respect of the said election. So help me God.

Sworn (or affirmed) before me at }
the.....of.....this..... }
day of....., 19..... }

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

Returning Officer

R.S.O. 1950, c. 112, Form 39.

FORM 39

The Election Act, 1951

Section 162

OATH OF SECRECY

I,, swear (*or* solemnly affirm):

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at Polling Place No. in the Electoral District of, save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Election Act, 1951*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (*or* affirmed) before me at
 the of this
 day of, 19.....

A Commissioner, etc.
 (*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 40.

BILL

The Election Act, 1951

1st Reading,

February 28th, 1951

2nd Reading

3rd Reading

MR. PORTER

*(Reprinted as amended by the Committee
on Election Laws)*

No. 110

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Election Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Election Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

**Interpre-
tation.**

- (a) "advance poll" means a poll held under section 88;
- (b) "agent" when used in relation to a candidate includes a scrutineer appointed by the candidate;
- (c) "board" means election board as constituted under this Act for a county or provisional judicial district;
- (d) "candidate at an election" and "candidate" mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;
- (e) "corrupt practice" means bribery and any act declared to be a corrupt practice by this or any other Act of the Legislature or recognized as such by the common law of Parliament;
- (f) "county" includes a district;
- (g) "county court" includes a district court;
- (h) "election court" means a court constituted under *The Controverted Elections Act* for the trial of a petition or a summary trial court constituted under ^{Rev. Stat., c. 67.} that Act;

Rev. Stat.,
c. 340.

- (i) "electoral district" means any place or territorial area designated as an electoral district by *The Representation Act*;
- (j) "form" means a form in the Schedule to this Act or prescribed by the regulations;
- (k) "local municipality" means a city, town, village or township;
- (l) "mariner" means a man or woman who is serving in His Majesty's naval forces or is serving in any capacity on a mercantile vessel registered at any port in the British Commonwealth at the time of the issue of the writ for a provincial election;
- (m) "oath" includes affirmation and statutory declaration;
- (n) "official agent" means the agent appointed by a candidate under section 199;
- (o) "polling list" means the list of voters furnished to a deputy returning officer by the returning officer in accordance with this Act;
- (p) "polling subdivision" means,
 - (i) in a municipality, a polling subdivision prescribed by the council of the municipality or by the returning officer under section 53, and
 - (ii) in territory without municipal organization, a division, subdivision, district, subdistrict or other territorial area fixed by the board for which a voters' list is to be prepared and for which one or more polling places are to be established for the taking of the vote at the election;
- (q) "prescribed" means prescribed by this Act or by the regulations;
- (r) "regulations" means regulations made under this Act;
- (s) "residence" and similar expressions used in relation to a person mean his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
 2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place shall be deemed to be his residence.
 3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless,
 - a. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or
 - b. he has no quarters in any other electoral district to which he might at will remove;
- (t) "rural polling subdivision" means a polling subdivision no part of which is,
- (i) within a city, town, village or improvement district having a population of at least 5,000,
 - (ii) within a township having a population of at least 10,000, or
 - (iii) within a township adjacent to a city having a population of at least 100,000.

according to the last Federal census;

- (u) "urban polling subdivision" means a polling subdivision which is wholly,
- (i) within a city, town, village or improvement district having a population of at least 5,000,
 - (ii) within a township having a population of at least 10,000, or
 - (iii) within a township adjacent to a city having a population of at least 100,000,

according to the last Federal census. R.S.O. 1950, c. 112, s. 1, *amended*.

ELECTION BOARDS

Board
for every
county and
district.

2.—(1) There shall be an election board in and for every county and provisional judicial district.

Disqualifi-
cation for
election.

(2) No person who is a member of the board or who has been engaged as a revising officer in the preparation of the voters' lists to be used at the election shall be eligible as a candidate at the election. R.S.O. 1950, c. 112, s. 2.

Composition
of boards,
York;

3.—(1). In the county of York the board shall be composed of the judges of the county court.

other
counties
and
districts.

(2) In every other county and provisional judicial district the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and where there is no junior judge of the county or district court, the local master of the Supreme Court, or where the local master is also the judge of the county or district court, the registrar of deeds, and where there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the other members of the board.

City to be
part of
county or
district.

(3) For the purposes of this section, every city shall form part of the county or district in which it is situate, and the board shall have jurisdiction accordingly.

When
deputy
registrar
to act.

(4) Where there is no local registrar of the Supreme Court, the deputy local registrar of the Supreme Court shall be a member of the board.

Chairman.

(5) The judge of the county or district court of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, shall be chairman of the board.

Vacancy
in chair-
manship.

(6) Where the judge or junior or acting judge is unable to act, and, on account of illness or absence, there is no other person who may act in his place, he may appoint in writing some other member of the board as chairman *pro tempore*, or, if he is unable or neglects to do so, the other members of the board may elect a chairman from among themselves.

Clerk
of board.

(7) The board shall appoint one of their own number or some other person to act as clerk of the board.

Oath of
office.

(8) Every member of the board and the clerk before performing any duties of the office shall take an oath before a commissioner for taking affidavits or a justice of the peace to faithfully and impartially perform his duties.

Quorum.

(9) Three members of the board shall form a quorum.

(10) Where there is a vacancy in the membership of the board and there is no official to fill the vacancy or where the number of officials mentioned in subsection 2 is not sufficient to complete the board, the board may appoint some fit and proper person, or a sufficient number of such persons, to complete the membership of the board. Vacancies.

(11) Where an electoral district includes parts of two or more counties or districts, it shall, for the purposes of this Act, be deemed to form part of the county or district in which its greater part is situate. R.S.O. 1950, c. 112, s. 3. Electoral district containing territory in more than one county or district.

CLERK OF THE CROWN IN CHANCERY

4. Wherever in any Act a duty is imposed or a power conferred upon or a reference is made to the Clerk of the Crown in Chancery, the duty shall be discharged, the power exercised by and the reference be deemed to be a reference to the Chief Election Officer. R.S.O. 1950, c. 112, s. 4, *amended*. Powers, etc., to be exercised by C.E.O.

CHIEF ELECTION OFFICER

5.—(1) The Lieutenant-Governor in Council shall appoint a person being a barrister and employed in the public service of Ontario to be Chief Election Officer, and may appoint another person possessing like qualifications to be Assistant Chief Election Officer. Appointment of C.E.O. and A.C.E.O.

(2) It shall be the duty of the Chief Election Officer to consult with and advise the boards throughout the Province, and to supervise and instruct the returning officers, deputy returning officers and poll clerks in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer with a view to facilitating the preparation of the lists and the carrying out of this Act. Powers and duties of C.E.O.

(3) In the absence or illness of the Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer may act in his place and while so acting shall possess the like powers and perform the like duties as the Chief Election Officer. Powers and duties of A.C.E.O.

(4) In cases of emergency for which no provision is made, the Chief Election Officer may give such directions as he deems proper and anything done in compliance with such In cases of emergency.

directions shall not be open to question, but the Chief Election Officer shall immediately give notice of any direction so given by him to any candidate or proposed candidate whom he thinks may be affected by such direction. R.S.O. 1950, c. 112, s. 5, *amended*.

Clerical
assistance.

6. The Chief Election Officer may provide for such clerical and other assistance as may be necessary in the performance of his duties, and the Lieutenant-Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of such officers and of persons employed in the office of the Chief Election Officer. R.S.O. 1950, c. 112, s. 6.

EFFECT OF IRREGULARITIES

Irregularities
not affecting
result.

7.—(1) No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or
- (d) by reason of any mistake in the use of the forms contained in the Schedule to this Act,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

Irregularities
in assess-
ment roll or
voters' list.

Rev. Stat.,
c. 67.

(2) An irregularity in the preparation or revision of any assessment roll or voters' list shall not be a ground for questioning the validity of an election or a return under *The Controverted Elections Act*, or otherwise. R.S.O. 1950, c. 112, s. 7.

ELECTION INTERRUPTED

When
election or
polling is
not commenced
or is inter-
rupted.

8. If by reason of riot or other emergency a nomination meeting or the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer or

deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day at 1 p.m. in the case of a nomination meeting and at 8 a.m. in the case of a polling, and continue the same from day to day, if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1950, c. 112, s. 8.

OATHS OR AFFIDAVITS

9.—(1) Except where otherwise provided, any oath for ^{Who may take} the purposes of this Act may be sworn before a justice of the ^{affidavits.} peace, a commissioner for taking affidavits or a notary public.

(2) The returning officer and election clerk shall have power ^{Oaths, who to} to administer any oath required by this Act, and the deputy ^{administer.} returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer.

(3) Every person administering an oath under or for the ^{No charge for ad-} purposes of this Act shall administer the same gratuitously. ^{ministring oaths, etc.} R.S.O. 1950, c. 112, s. 9.

AGENTS

10. A person who is disqualified and incompetent to vote ^{Certain persons disqualified from acting as agents.} under section 15, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an election court, shall not act as agent for a candidate at an election, and every person violating this provision shall be liable to the same penalty as if he had voted at the election. R.S.O. 1950, c. 112, s. 10.

11. A candidate may himself undertake any of the duties ^{Right of candidates to undertake duties of agent.} which his agent, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may attend in pursuance of this Act, except at the marking of a ballot under section 100. R.S.O. 1950, c. 112, s. 11.

12. Where expressions are used in this Act that require or ^{Non-attendance of agents.} authorize any act to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O. 1950, c. 112, s. 12.

PERSON NOMINATED WITHOUT CONSENT

13. Nothing in this Act shall impose any liability upon ^{Non-liability of person nominated without consent.} a person nominated as a candidate or declared to be a

candidate by others without his consent, unless he has afterwards given his assent to the nomination or declaration, or has been elected. R.S.O. 1950, c. 112, s. 13.

QUALIFICATION OF CANDIDATE

Who may
be
candidate.
Rev. Stat.,
c. 202.

14. Any person of the full age of twenty-one years and a British subject by birth or naturalization who has resided in Ontario for the twelve months next preceding the day of polling and who is not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate. R.S.O. 1950, c. 112, s. 14, *amended*.

QUALIFICATION OF VOTERS

WHO SHALL NOT VOTE

Who dis-
qualified
from
voting.

15.—(1) Judges of the Federal and Provincial courts, clerks of the peace, Crown attorneys and magistrates shall be disqualified and incompetent to vote. R.S.O. 1950, c. 112, s. 15 (1), *amended*.

Penalty.

(2) Any person mentioned in subsection 1, who votes, shall incur a penalty of \$2,000 and his vote shall be void. R.S.O. 1950, c. 112, s. 15 (2).

Disqualifi-
cation of
certain
officers.

16.—(1) No returning officer or election clerk shall be entitled to vote, but this provision shall not affect the duty of the returning officer to give a casting vote.

Persons
employed
by can-
didate for
reward.

(2) No person shall be entitled to vote who at any time before or during the election was employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor. R.S.O. 1950, c. 112, s. 16 (1, 2).

Saving as
to election
officers.

(3) Subsection 2 shall not apply to a person who performs any official duty in connection with the election and who receives the fees to which he is entitled nor shall it apply to a person appointed as an agent by a candidate. R.S.O. 1950, c. 112, s. 16 (3), *amended*.

Disqualifi-
cation of
convicts,
mentally ill
persons, etc.

17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital, or who is maintained in

whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry. R.S.O. 1950, c. 112, s. 17.

WHO MAY VOTE

18. Subject to the provisions hereinafter contained, in any electoral district in which an election to the Assembly is held, the following persons being entered on the proper polling list, and no others, shall be entitled to vote at such election: ^{Who may vote.}

1. Every man and every woman who, at the time of ^{Generally.} voting,

- (a) is of the full age of twenty-one years;
- (b) is a British subject;
- (c) is not disqualified under this Act or otherwise prohibited by law from voting;
- (d) has resided in Ontario for the twelve months next preceding the day of polling; and
- (e) resided in the electoral district at the date of the issue of the writ of election.

2. Every man and every woman who, at the time of ^{Disabled soldiers' franchise.} voting,

- (a) is a British subject;
- (b) is not qualified to vote under paragraph 1;
- (c) is not disqualified under this Act or otherwise prohibited by law from voting,

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and whether or not he or she has attained the age of twenty-one years, and who,

- (d) has served or is serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or the armed forces of any part of the British Commonwealth or any ally thereof; and ^{1950, c. 43 (Can.).}
- (e) is an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational

training of persons who have so served or are so serving, or in a hospital or institution for the blind or deaf or an eleemosynary institution, situated in the electoral district,

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise). R.S.O. 1950, c. 112, s. 18, *amended*.

CHANGE OF RESIDENCE WITHIN TWO MONTHS OF POLLING

Removal
from one
electoral
district
to another.

19.—(1) Notwithstanding section 18, a person who was a resident in and is entered on the list prepared for a polling subdivision or polling place in an electoral district, or who would have been entitled to be so entered had he remained a resident in such electoral district, and who has moved from such electoral district in the course of his ordinary profession, occupation or calling, and has become a resident of another electoral district and any person ordinarily resident with the first-mentioned person as a member of his family or household who has so moved with the first-mentioned person, shall be entitled to be entered on the list of voters in the last-mentioned electoral district by the revising officer, or by the judge, as the case may be, upon filing with the revising officer or judge an affidavit (Form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such move was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer or judge may deem necessary.

Certificate.

(2) The revising officer or judge shall give a certificate in writing (Form 2) to every person entered on the list under subsection 1.

Entry after
name of
person so
added.

(3) The revising officer or judge shall write "entered under *The Election Act, 1951*, section 19" after the name of every person entered on the list under subsection 1.

Production
of certificate
at poll.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. R.S.O. 1950, c. 112, s. 19 (1-4).

OCCASIONAL OR TEMPORARY ABSENCE

Occasional
or tem-
porary
absence,
when not to
disqualify.

20. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,

(a) a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof, or a nurse or nursing sister or in any other capacity with such forces;

1950, c. 43
(Can.).

(b) a student in attendance at an institution of learning in Canada;

(c) a mariner within the meaning of this Act,

and such absence shall not disentitle him to be entered on any voters' list or to vote. R.S.O. 1950, c. 112, s. 20.

BRITISH SUBJECTS—NATURALIZATION

21.—(1) A woman shall be deemed to be a British subject by birth or naturalization within the meaning of this Act, so as to entitle her to vote,

When
women to
be deemed
British
subjects.

(a) if she was born a British subject and is unmarried or married to a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or

(b) if she has become naturalized in her own right as a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or

(c) if she has become a British subject by the naturalization as a British subject of her parent while she was a minor and has not become a subject of any foreign power or a citizen of any foreign state; or

(d) if she is married to, or being a widow, is the widow of, a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state,

and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified.

(2) For the purposes of this section, a statutory declaration by a person claiming to be a British subject shall be *prima facie* evidence of the facts declared to.

Evidence
of facts.

(3) Subsection 1 shall not apply to a person qualified to vote under paragraph 2 of section 18. R.S.O. 1950, c. 112, s. 21.

Exceptions
as to
soldiers'
franchise.

INDIANS

Indians,
when dis-
qualified.

22.—(1) A person who is an unenfranchised Indian of whole or part Indian blood and who resides among Indians or on an Indian reserve shall not be entitled to have his name entered on the list of voters or to vote unless he has served or is serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.

Special
oath.

(2) A person alleged by a candidate or by an agent of a candidate to be disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter:

You swear (*or solemnly affirm*) that you are not an Indian or a person having part Indian blood;

or at his option

You swear (*or solemnly affirm*) that you are an enfranchised Indian;

or at his option

You swear (*or solemnly affirm*) that you do not reside among Indians or on an Indian reserve;

or at his option

You swear (*or solemnly affirm*) that you have served or are serving against the King's enemies.

Preparation
of lists on
reserves.

(3) The territory included in an Indian reserve shall be deemed territory without municipal organization. R.S.O. 1950, c. 112, s. 22, *amended*.

PROCEEDINGS PRELIMINARY TO ELECTION

DATES FOR NOMINATION AND POLLING

Nomination
day.

23.—(1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day, not more than sixty and not less than thirty days after the date of the writs of election, for the nomination of candidates.

Polling
day.

(2) Where the nomination day appointed is in the months from April to October inclusive, the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted, and where the nomination day appointed is in the months from November to March inclusive, the fourteenth day after the nomination day shall be the day

on which polling shall take place where a poll is granted.
R.S.O. 1950, c. 112, s. 23 (1), *amended*.

(3) In the case of a general election, the nominations shall be held on the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election. Date to be same in all electoral districts.

(4) The writs for a general election shall be dated on the same day. Writs to bear same date.

(5) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. R.S.O. 1950, c. 112, s. 23 (2-4). Writs to state nomination and polling days.

24. Notwithstanding any of the provisions of this Act, the Chief Election Officer may, immediately after the direction of a writ of election to a person named therein as returning officer, notify him by telegram that a writ of election has been directed to him, and thereupon such person may perform any of his duties under this Act or *The Voters' Lists Act, 1951*, although he has not actually received the writ. R.S.O. 1950, c. 112, s. 24. Notification of appointment as R.O. 1951, c. 93.

SUPPLIES

25.—(1) Before every election, the Chief Election Officer shall cause to be printed in conspicuous characters a notice as to secrecy (Form 4) and shall transmit by post to the returning officer of every electoral district such number of copies as he deems sufficient to supply every deputy returning officer with five copies, and every deputy returning officer shall post up one copy in a conspicuous place outside his polling place and one copy in a conspicuous place within his polling place, and he shall see that they remain so posted up from the opening to the close of the poll. Notice as to secrecy.

(2) The notice may be separate or added to the directions for the guidance of voters in voting (Form 3). Notice may be separate.

(3) The Chief Election Officer shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act or by Part III of *The Voters' Lists Act, 1951*, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ. R.S.O. 1950, c. 112, s. 25, *amended*. Supply of forms by King's Printer.

26. Immediately after the issue of the writ, the Chief Election Officer shall supply the returning officer with a sufficient number of blank poll books (Form 5) for the Supply of poll books and forms.

purposes of the election having regard to the number of polling places within the electoral district, containing the following blank forms:

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Commission of poll clerk.
4. Oath of poll clerk.
5. Oath of secrecy.
6. Schedule for "Notes of objections" to ballot papers under section 115.
7. Statement of the poll after counting the ballot papers.
8. Ballot paper account.
9. Oath of deputy returning officer after closing the poll.
10. Oath of poll clerk after closing the poll.
11. Certificate of returning officer for outside voters.

R.S.O. 1950, c. 112, s. 26.

Transmission
of copies of
this Act.

27. There shall be transmitted to the returning officer with the writ of election such number of copies of this Act and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with at least one copy, and every copy shall contain an alphabetical index. R.S.O. 1950, c. 112, s. 27.

RETURNING OFFICERS

Appoint-
ment of
R.O's.

28. A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. R.S.O. 1950, c. 112, s. 28.

Writs for
elections.

29. Every writ of election shall be addressed to a person who is a British subject of the full age of twenty-one years resident in the electoral district or in a local municipality any portion of which is in the electoral district. R.S.O. 1950, c. 112, s. 29.

Refusal or
incapacity
to act.

30. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. R.S.O. 1950, c. 112, s. 30.

Where ap-
pointment
is subse-
quently
superseded.

31. If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under section 30, a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices

by the person previously named as returning officer. R.S.O. 1950, c. 112, s. 31.

32.—(1) The following persons shall not be appointed or act as a returning officer, deputy returning officer, election clerk or poll clerk: Persons excluded from being returning officers, etc.

1. Members of the Executive Council.
2. Members of the Parliament of Canada or of the Assembly.
3. Ministers, priests or ecclesiastics under any form or profession of religious faith or worship.
4. Judges of Federal or Provincial courts.
5. Persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly.
6. Persons who have at any time been found guilty by a competent tribunal of or reported by an election court for corrupt practices.

(2) Every such person who acts as a returning officer, deputy returning officer, election clerk or poll clerk shall incur a penalty of \$200. Penalty.

(3) A contravention of this section shall not affect the validity of the election. R.S.O. 1950, c. 112, s. 32. Validity of election not affected.

33. The following persons shall not be obliged to act as a returning officer, deputy returning officer, election clerk or poll clerk: Exempted persons.

1. Physicians and surgeons.
2. Postmasters.
3. Persons sixty years of age or more.
4. Persons who have previously served as returning officers. R.S.O. 1950, c. 112, s. 33, *amended*.

34. Every person not disqualified by this Act who refuses to perform the duty of returning officer after having received the writ of election shall incur a penalty of \$200; unless, having Penalty for refusal to act.

a right to claim exemption under section 33, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded it to the Chief Election Officer within the two days next after the receipt of the writ of election. R.S.O. 1950, c. 112, s. 34.

Endorsement on writ.

35. The returning officer shall on receiving the writ endorse thereon the date of its receipt. R.S.O. 1950, c. 112, s. 35.

Oath of R.O.

36. The returning officer shall before the nomination day take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 36.

Proclamation by R.O.

37.—(1) The returning officer shall after the receipt of the writ by proclamation (Form 7) declare,

- (a) the place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the candidates.

When proclamation to be posted up.

(2) The proclamation shall be posted up in the electoral district at least five days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.O. 1950, c. 112, s. 37.

Place and time of nomination.

38. The place for the nomination of candidates shall be the court house, municipal hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose. R.S.O. 1950, c. 112, s. 38.

Places of posting up proclamation.

39.—(1) The returning officer shall cause the proclamation to be posted up,

- (a) at every post office in the electoral district; and
- (b) at least at one other place in every polling subdivision in the electoral district; and

- (c) in a municipality divided into wards, at the municipal hall and in some other public place in each ward in the electoral district, and in other local municipalities, at the municipal hall or other place where the meetings of the council are held.

(2) In territory without municipal organization the proclamation shall be posted up in some public place in the neighbourhood of each place at which a poll is to be held. In territory without municipal organization.

(3) The proclamation shall be posted up in a conspicuous place and may be posted up on either public or private property. R.S.O. 1950, c. 112, s. 39. May be posted on public or private property.

40. A returning officer who refuses or neglects to cause the proclamation to be posted up as prescribed by section 39 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 40. Penalty.

41.—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day, or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day. Unforeseen delays provided for.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37. Form of proclamation.

(3) The polling day shall be the seventh day after nomination day. Polling day.

(4) The returning officer, with his return, shall make to the Chief Election Officer a report of the cause which occasioned the postponement of the election. R.S.O. 1950, c. 112, s. 41. Postponement, report as to cause.

42. Wherever the Lieutenant-Governor in Council is satisfied that communication and travel in an electoral district is likely to be dangerous or to be interrupted, he may direct that all necessary instructions and information relating to the election be transmitted by telephone or by such means as he deems appropriate, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires, and the Lieutenant-Governor in Council may make such order for carrying out this section as he deems proper. R.S.O. 1950, c. 112, s. 42, *amended*. Communication.

ELECTION CLERK

Appoint-
ment of
election
clerk.

43.—(1) The returning officer, by a commission under his hand (Form 8), shall before nomination day appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or
default of
election
clerk.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of
election
clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O. 1950, c. 112, s. 43.

Oath of
election
clerk.

44. The election clerk before entering upon his duties shall take and subscribe the oath (Form 9). R.S.O. 1950, c. 112, s. 44.

Penalty
for
refusing
to act.

45. A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 45.

Appoint-
ment and
oath to
be on
writ.

46. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. R.S.O. 1950, c. 112, s. 46.

Duties and
liabilities
when acting
as R.O.

47. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties, and to all the obligations of that office, in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualifications or to take the oath (Form 6). R.S.O. 1950, c. 112, s. 47.

BALLOT BOXES

Ballot
boxes to be
furnished.

48.—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district.

How made.

(2) Every ballot box shall be made of durable material, provided with lock and key, and so constructed that ballot

papers can be deposited therein but cannot be withdrawn without unlocking the box.

(3) If the returning officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box that he fails to provide. R.S.O. 1950, c. 112, s. 48. Penalty on failure to furnish boxes.

49. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. R.S.O. 1950, c. 112, s. 49. Property of the Crown.

50. Where it becomes necessary to use the ballot boxes, the returning officer shall deliver one ballot box to every deputy returning officer at least two days before the polling day. R.S.O. 1950, c. 112, s. 50. Delivery of ballot boxes to D.R.O.'s.

51. A deputy returning officer who has not been supplied with a ballot box within the time prescribed in section 50 shall cause one to be made forthwith. R.S.O. 1950, c. 112, s. 51. Duty of D.R.O. as to ballot box.

52. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the clerk of the peace in the case of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. R.S.O. 1950, c. 112, s. 52. Return of ballot boxes to municipal clerks and clerks of peace.

POLLING SUBDIVISIONS

53.—(1) In the case of failure of the council to divide a municipality into polling subdivisions, the returning officer shall make the division. When returning officer to make division.

(2) Where the council has divided the municipality into polling subdivisions, the returning officer shall not be required to make any change in the boundaries of a polling subdivision. R.S.O. 1950, c. 112, s. 53. When council has divided municipality.

POLLING PLACES

54.—(1) Subject to subsection 3 of this section and sections 55 and 56, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters, and if the board approves, the polling place may be provided outside the limits of the polling subdivision. Polling places.

(2) The returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions. Union of polling subdivisions.

Where
polling places
not to be.
Rev. Stat.,
c. 211.

(3) The poll shall not be held in a premises licensed under *The Liquor Licence Act* or in a place of public entertainment, and there shall be free access to the poll for every voter.

Additional
polling
places.

(4) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any number of its voters from the polling place render necessary.

More than
one polling
place in sub-
division.

(5) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision.

Division to
be according
to initial
letter of
voters'
names.

(6) Where there are two or more polling places in a subdivision, each polling place shall be designated by the initial letters of the surname of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Where
voters
to vote.

(7) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appoint-
ment of
D.R.Os. for
additional
polling
places.

(8) The returning officer shall appoint a deputy returning officer for each such polling place and deliver to him in due time a polling list containing the names of all voters on the proper list of voters for the polling subdivision.

Where
village
includes
portions
of two town-
ships in
different
electoral
districts.

(9) Where an incorporated village includes portions of two townships lying in different electoral districts, the board of the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it deems necessary for the separating of the names of the voters in one polling subdivision from the names of the voters in the other and for distinguishing between the two classes of names in the voters' list of the village, and the clerk of the peace shall prepare a separate polling list for each of such polling subdivisions. R.S.O. 1950, c. 112, s. 54, *amended*.

R.O. to
provide
polling
places.

55.—(1) The returning officer shall provide a proper polling place and shall ensure that it is furnished with light and heat and such other accommodation and furniture as may be required.

(2) A polling place may be situated in a schoolhouse, hall or other public building or on private property, or the returning officer may purchase or construct tents or portable booths or movable structures and without charge may set up or erect the same in any street, lane or vacant lot. Location of polling places.

(3) The number and location of the polling places shall be subject to the approval of the board, and the chairman of the board shall certify in writing that the number of polling places and their location are necessary and proper. Number and location of polls, to be approved by board.

(4) Where it is found that the returning officer has established a polling place which is unnecessary to accommodate the voters and that such polling place has not been approved by the board, the cost to the Province of establishing such poll and conducting the polling thereat shall be borne by the returning officer and deducted from his fee. Cost of unnecessary poll.

(5) The sum of \$12 for every building or part of a building used as a polling place and an additional sum of \$6 for every additional polling place situate in the same building shall be payable by the returning officer to the persons entitled thereto. R.S.O. 1950, c. 112, s. 55. Amount payable for polling places.

SOLDIERS' HOSPITALS

56.—(1) Where in any electoral district there is situate a home or hospital or other institution for the reception, treatment or vocational training of disabled soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and, for the purpose of polling, the institution shall be deemed to be a polling place and every inmate or other person resident in the institution who is entered on the polling list shall vote at such polling place. Polling places in hospitals, etc.

(2) Where a patient or other inmate of such institution is bed-ridden or is unable to walk, it shall be lawful for the deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 100. R.S.O. 1950, c. 112, s. 56. Incapacitated patients.

VOTING COMPARTMENTS

57. Every polling place shall be furnished with compartments in which voters may mark their ballot papers without other persons being able to see how they are marked, and it Compartments for voters to mark ballots.

shall be the duty of the returning officer and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. R.S.O. 1950, c. 112, s. 57.

NOMINATIONS

Proceedings
on nomination
day.

58.—(1) The returning officer, at the time and place fixed for the nominations, shall make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 10) and read or cause to be read publicly the writ of election and his commission as returning officer when he has been appointed by commission, and he shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out.

Nominations
to be in
writing.

(2) The nomination shall be by writing (Form 11) signed by at least 100 duly qualified electors of the electoral district and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as will identify him sufficiently, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Separately
for each
candidate.

(3) Each candidate shall be nominated by a separate nomination paper, and a duly qualified elector may sign the nomination papers of different candidates.

When to
be filed.

(4) The nomination paper shall be produced to and filed with the returning officer at the time and place fixed by the proclamation or on either of the two days next preceding that on which the nomination meeting is to be held.

Consent of
candidate.

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper.

Certificate
of R.O.
as to
regularity.

(6) Where the nomination paper is filed with the returning officer by the candidate or his agent not later than 1.30 p.m. on the day fixed by the proclamation for holding the nomination meeting, the returning officer shall, if requested, then and there examine the paper and if satisfied of the regularity thereof and that it is signed by the proper number of duly qualified electors, he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatever.

Imperfect
nomination
paper.

(7) The returning officer shall not reject any nomination paper that is received before the time fixed for the close of nomination in the proclamation of the returning officer and

that is signed by at least 100 persons purporting to be residents of and electors in the electoral district, and if any nomination paper appears to the returning officer to be invalid for any reason he shall not reject it until he has communicated the facts to the Chief Election Officer and the Chief Election Officer has in writing, signed by him, authorized such rejection, and for the purposes of communicating with the Chief Election Officer the returning officer shall adjourn the proceedings until 1 p.m. on the next day following, when he shall at the same place announce the decision of the Chief Election Officer. R.S.O. 1950, c. 112, s. 58.

59. If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes, and if he refuses or neglects to do so, he shall incur a penalty of \$1,000, and if he declares a candidate to be elected, the election shall be void. R.S.O. 1950, c. 112, s. 59, *amended*. ^{Grant of poll.}

60. If only one candidate is nominated, or if by the withdrawal of persons nominated there remains only one candidate, the returning officer, at the expiration of the time in which nominations may be received, shall close the election and openly proclaim the person so chosen to be duly elected. R.S.O. 1950, c. 112, s. 60, *amended*. ^{Election by acclamation.}

61. The returning officer shall announce at the place and on the day of nomination, and on or immediately after the day of nomination shall publish at the expense of the candidates, the names and addresses of their official agents in a newspaper published or circulated within the electoral district. R.S.O. 1950, c. 112, s. 61. ^{Official agents.}

62.—(1) A candidate may withdraw at any time after his nomination and before the opening of the poll by delivering to the returning officer a declaration in writing (Form 12) to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be void, and if after the withdrawal there remains but one candidate, the returning officer shall return as duly elected the candidate so remaining. ^{Withdrawal of candidate after nomination.}

(2) In the case of a candidate withdrawing where there are more than two candidates, the returning officer shall, if possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. R.S.O. 1950, c. 112, s. 62. ^{Idem.}

63. If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days ^{Death of candidate.}

for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and with his return he shall make to the Chief Election Officer a report of the cause which occasioned the postponement of the election. R.S.O. 1950, c. 112, s. 63.

R.O. to
proclaim
names of
D.R.Os.

64. When a poll has been granted, the returning officer, immediately after having granted a poll and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers, and shall on the written request of a candidate furnish him with a list of the deputy returning officers showing the polling place at which each is to act. R.S.O. 1950, c. 112, s. 64.

POLLING

PROCEEDINGS PRELIMINARY TO THE POLL

Appoint-
ment of
D.R.O.

65.—(1) The returning officer by a commission under his hand (Form 13) shall appoint a deputy returning officer for every polling place.

D.R.O.
to be
voter in
local muni-
cipality.

(2) No person shall be appointed a deputy returning officer who is not a voter in the local municipality wherein the polling place for which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 65.

Oath of
office, etc.

66. Every deputy returning officer before acting shall take and subscribe the oath (Form 14). R.S.O. 1950, c. 112, s. 66.

Penalty for
refusing
to perform
duties of
office.

67. A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 67.

Death or
absence of
D.R.O.

68. In case of the death, illness or absence of a deputy returning officer or his refusal or neglect to act, the returning officer may in the manner provided in section 65 appoint another deputy returning officer to act in his stead, and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1950, c. 112, s. 68.

Polls in
districts.

69. In territory without municipal organization, polls shall be held at such places as may be fixed by the returning officer, subject to the approval of the board. R.S.O. 1950, c. 112, s. 69, *amended*.

70. Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of section 69. R.S.O. 1950, c. 112, s. 70. Municipality without assessment roll.

71. The returning officer shall deliver to each deputy returning officer, at least two days before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.O. 1950, c. 112, s. 71. Supplies to be furnished by returning officer.

72.—(1) If foolscap paper is used for printing the ballot papers it shall be of a weight of not less than 16 pounds to the ream, and if large post paper is used it shall be of a weight of not less than 25 pounds to the ream. Ballot papers weight.

(2) The paper used shall contain a secret thread or other mark so placed as to run through each column of ballots ruled on every sheet of the ballot paper furnished. Paper to show secret marking.

(3) The manufacturer of the paper shall furnish security in such amount as may be fixed by the Lieutenant-Governor in Council that none of the paper manufactured for use in printing the ballots will be supplied by him to any person other than the King's Printer, and upon the delivery of the paper the number of sheets shall be counted by the King's Printer and a receipt therefor in writing signed by the King's Printer shall be given to the manufacturer. Security to be furnished by manufacturer.

(4) The paper required for the printing of the ballot papers shall be furnished to the Chief Election Officer by the King's Printer from time to time as may be required, and the King's Printer and the Chief Election Officer shall check the number of sheets of ballot paper so furnished and the Chief Election Officer shall give to the King's Printer a receipt in writing signed by him. King's Printer to furnish paper to C.E.O.

(5) The Chief Election Officer shall deliver or transmit by express in one or more boxes locked and sealed with his seal to the returning officer for each electoral district a sufficient number of sheets of the paper for the printing of the ballots and the returning officer shall upon receipt of the same count the sheets and forward his receipt therefor (Form 15) to the Chief Election Officer. Supply to be furnished to R.O.

(6) The returning officer shall cause to be printed on the paper furnished to him a sufficient number of ballot papers, not being less than the total number of voters in the electoral district. R.O. to see to printing of ballots.

(7) The printer shall count the sheets of ballot paper delivered to him and shall give a receipt therefor (Form 16) R.O. to give receipt for ballot paper.

to the returning officer, and the returning officer shall transmit it with the other papers relating to the election to the Chief Election Officer.

Form of
ballot.

(8) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper (Form 17), and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

Numbering
ballot
papers.

(9) The ballot papers shall be numbered consecutively on the back of the stubs and the counterfoils, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing 25, 50 or 100 ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity.

(10) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's
name.

(11) The ballot papers shall bear upon the back the name of the printer who printed them.

Affidavit
of printer.

(12) The printer shall make his affidavit (Form 18) and deliver it to the returning officer with the ballot papers. R.S.O. 1950, c. 112, s. 72.

Supply to
D.R.O.

73. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers, and he shall when delivering the same make a record of the numbers on the ballot papers delivered to each deputy returning officer and this record shall be returned to the Chief Election Officer with the other documents required to be returned to him. R.S.O. 1950, c. 112, s. 73.

Copies of
directions
to voters for
D.R.O.

74.—(1) The returning officer shall furnish each deputy returning officer with at least three copies of the printed directions for the guidance of voters in voting (Form 3), and the deputy returning officer shall, before or at the opening of the poll on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place and in each compartment of the polling place.

Receipt to
be given
by D.R.O.

(2) The deputy returning officer shall count the ballot papers as soon as he receives them from the returning officer

and forward a receipt therefor (Form 19) to the returning officer. R.S.O. 1950, c. 112, s. 74.

75. The Chief Election Officer, before each general election and at least once in every year, shall cause a check to be made of all ballot paper furnished to him, and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept except the Chief Election Officer or some person acting directly under his authority. R.S.O. 1950, c. 112, s. 75. Custody of ballot paper.

PREPARATION OF POLLING LISTS BY CLERK OF THE PEACE

76.—(1) Every returning officer upon granting a poll shall forthwith obtain from the clerk of the peace a sufficient number of copies of the polling list for each polling subdivision in the electoral district to provide one copy for his own use, one copy for each of the deputy returning officers and six copies for each of the candidates at the election, and the polling list shall contain the names of all persons qualified to vote at the election in that polling subdivision and no other, and the returning officer shall immediately cause the polling lists and copies to be delivered to the deputy returning officers and candidates respectively. R.S.O. 1950, c. 112, s. 76 (1). Polling lists.

(2) Except where the Chief Election Officer otherwise directs, the clerk of the peace shall cause the polling lists prepared by him to be printed on one side of the paper only, and the polling list for each polling subdivision shall contain in one list the names of all persons qualified to vote at the election in that polling subdivision arranged in the order of street numbers in every polling subdivision in which street numbering is in effect, and alphabetically in all other polling subdivisions. R.S.O. 1950, c. 112, s. 76 (2), *amended*. Idem.

(3) Where a returning officer, instead of subdividing a polling subdivision, provides additional polling places, he shall obtain from the clerk of the peace as many polling lists as may be necessary for such additional polling places. R.S.O. 1950, c. 112, s. 76 (3). Lists for additional polling places.

(4) Where the Chief Election Officer so directs, the clerk of the peace shall prepare for revision by the revising officers as provided in *The Voters' Lists Act, 1951* a list containing the names of all persons entitled to vote at elections to the Assembly in the polling subdivisions as shown in the first part of the voters' list, and notwithstanding anything in *The Voters' Lists Act, 1951* the list so prepared shall be the list to be revised by the revising officers and shall be posted up and revised and certified in the same manner as lists prepared, List to be prepared by the clerk of the peace. 1951, c. 93.

1951,
c. 93.

revised and certified under *The Voters' Lists Act, 1951*. R.S.O. 1950, c. 112, s. 76 (4), *amended*.

List to be
set up in
type.

(5) To avoid expense to the municipalities concerned and to the Province, after the preparation of the list the Chief Election Officer may direct that it shall be typewritten, set up in type and the type kept standing until after the revision and the changes made upon revision incorporated in the list.

Polling lists.

(6) The lists as so prepared, revised and certified shall be the polling lists to be delivered to the deputy returning officers for use at the polling places. R.S.O. 1950, c. 112, s. 76 (5, 6).

Special
directions.

(7) Where it appears to the Chief Election Officer that it is impracticable to carry out any of the provisions of subsections 1 to 6, he may cause such arrangements to be made for preparing the polling list as he may deem proper under the circumstances, and it shall be the duty of the clerk of the peace to carry out any directions or instructions given by the Chief Election Officer under this section, but nothing in this section shall authorize any name to be placed upon or omitted from the polling list which is not entered in the first part of the voters' list prepared by the clerk of the municipality except so far as may be necessary to give effect to the changes made upon the revision of the list by the revising officer. R.S.O. 1950, c. 112, s. 76 (7), *amended*.

Certificate
on polling
list.

77. The clerk of the peace, or in territory without municipal organization, the returning officer, shall add to each polling list a certificate that it contains the names of all persons appearing, according to the proper voters' list, to be entitled to vote at the election in that polling subdivision or at that polling place and no other names. R.S.O. 1950, c. 112, s. 77, *amended*.

POLL CLERKS

Appoint-
ment of
poll clerks.

78.—(1) The deputy returning officer shall by a commission under his hand (Form 20) appoint a poll clerk to assist him in taking the poll, and the poll clerk before acting shall take and subscribe the oath (Form 21).

Penalty.

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it, refuses or neglects either to take and subscribe the oath or to perform the duties of poll clerk, shall incur a penalty of \$40.

Poll clerk
to be a voter.

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of territory

without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 78.

79. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. R.S.O. 1950, c. 112, s. 79. Duties of poll clerk.

80. If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. R.S.O. 1950, c. 112, s. 80. To act as D.R.O. in certain cases.

81. Where a poll clerk acts as deputy returning officer, he may appoint by a commission under his hand (Form 20) another person as poll clerk to assist him in the performance of the duties of his office, and may administer the oath to him, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 81. Appointment of another poll clerk in such cases.

82. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 82. Appointment of poll clerk in certain cases.

CONSTABLES

83. The deputy returning officer may appoint a constable to preserve order at his polling place, but such appointment shall not be made unless it has been authorized in writing by the returning officer or unless a breach of the peace or a violation of the law is threatened or anticipated. R.S.O. 1950, c. 112, s. 83. Constable at polling place.

WHERE VOTERS TO VOTE

84.—(1) Subject to section 85, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision, he shall vote only at the polling place for the subdivision in which he resides at the time of the polling, if entitled to vote in such subdivision. R.S.O. 1950, c. 112, s. 84 (1). Voter to vote in subdivision in which he resides.

Penalty.

(2) A person who votes in contravention of subsection 1 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 84 (3).

D.R.O.,
poll clerk
and agents
may vote at
polling
places where
they are
employed.

85.—(1) The returning officer, on the request of a person entitled to vote who has been appointed a deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give him a certificate (Form 22) that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

When
certificate
for that
purpose may
be given.

(2) The returning officer shall not give such a certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Time of
request.

(3) The returning officer shall not be required to give the certificate unless requested to do so at least two days before polling day.

Polling
place to be
designated.

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

R.O. to keep
a list of
persons
obtaining
certificates.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which the person is authorized to vote under the certificate, and the polling subdivision or polling place in or at which the person appears by the polling list to be entitled to vote, and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Entry of
refusal of
certificate.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last-mentioned person claimed to be the agent of a candidate, the name of the candidate, and the list shall be open to inspection by any candidate or by his agent or by any voter.

Limitation
on number
of certi-
ficated agents.

(7) A returning officer shall not give certificates to more than two agents for the same candidate at one polling place and he shall not give a certificate under this section except upon

the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 85.

86.—(1) A person to whom a certificate is given under section 85 shall on its production be entitled to vote at the polling place designated therein, but the certificate shall not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk or agent during polling day, or entitle an agent to vote who is disqualified under section 16.

(2) A person who receives a certificate, whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating this subsection shall incur a penalty of \$400, and every vote cast in contravention of this subsection shall be void.

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer.

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book (Form 5), opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under Certificate".

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

(6) The deputy returning officer shall enclose all such certificates in one envelope. R.S.O. 1950, c. 112, s. 86.

THE POLL

87.—(1) Subject to subsection 2, the polls at every election to the Assembly shall open at 8 a.m. and shall remain open until 7 p.m. of the same day and the voting shall be by ballot in the manner provided by this Act.

(2) Where the board deems it desirable for the convenience of the voters that the polls should be opened in any municipality or electoral district at an earlier hour than 8 a.m., the board may direct the polls to be opened in such municipality or electoral district at any time earlier than 8 a.m., but not earlier than 6 a.m., as the board may deem expedient. R.S.O. 1950, c. 112, s. 87, *amended*.

ADVANCE POLLS

Advance
polls.

88.—(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the electoral district on the day fixed for polling.

Time of
poll.

(2) Polls for receiving the votes of such voters shall be held and kept open from 8 a.m. until 5 p.m. and from 7 p.m. until 10 p.m. on the Thursday, Friday and Saturday of the week preceding the week during which the poll is to be held, and if a holiday falls upon any of such days the poll shall be held on the Wednesday of the same week in lieu of such holiday.

Fixing
of polling
places.

(3) The returning officer shall, with the approval of the board, fix the polling places and appoint a deputy returning officer and poll clerk for each polling place.

Notice of
polls.

(4) Notice of the times and places at which polls will be opened (Form 23) shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the electoral district and, where possible, by advertisement in a newspaper published or circulated in the electoral district.

Declaration
by voter.

(5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I will be absent in the ordinary course of my business or employment from the electoral district of where I am ordinarily resident on the day for holding the poll at the coming election.

Dated at, this day of, 19....

.....
(Signature of Voter)

Witness:

.....
Deputy Returning Officer

Penalty.

(6) Any person signing any such declaration knowing that any statement therein is false shall incur a penalty of \$200.

Record of
declar-
ation.

(7) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has made the declaration men-

tioned in subsection 5 and the number of the polling subdivision in which he is entered on the voters' list.

(8) The ballot box shall not be opened after the opening of the poll until 7 p.m. on the general polling day, but on adjourning the poll each day the deputy returning officer shall, and any candidate or agent present who desires to do so may, affix his seal to the ballot box in such manner that it cannot be opened or any ballot deposited in it without breaking such seal. Ballot box not to be opened.

(9) At the close of the poll each day the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons voting.

(10) Upon receiving from the deputy returning officer the list mentioned in subsection 9, the returning officer shall make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other deputy returning officers' lists.

(11) On the general polling day the deputy returning officer shall in the presence of such candidates and agents as may be present at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by sections 112 to 119. R.S.O. 1950, c. 112, s. 88, *amended*. Close of poll.

MARINERS VOTING BY PROXY

89.—(1) Where the name of a person is entered on the voters' list for a polling subdivision as entitled to vote at elections to the Assembly and he is a mariner, he shall be entitled to vote by proxy as provided in this section. Mariner's right to vote by proxy.

(2) A mariner may appoint in writing (Form 24) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote. Appointment of proxy.

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district and no appointment of a proxy Term of appointment.

shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of the writ.

Application
of proxy
to be entered
on list.
1951,
c. 93.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with *The Voters' Lists Act, 1951* in the municipality in which the mariner is entitled to vote, to be entered upon such list.

Evidence to
be taken by
revising
officer.

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if he finds that the mariner is duly qualified and that the voting proxy is qualified to act for him, he shall give a certificate across the face of the appointment of the voting proxy to that effect (Form 25) and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

Not more
than one
proxy.

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at any election.

Oath on
voting.

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5 and takes the oath (Form 26).

Record of
voting by
proxy.

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Forms and
regulations.

(9) The Lieutenant-Governor in Council may prescribe any further or other forms that he deems necessary for the purposes of this section and may make regulations as to the mode in which proxies may be given and generally for the better carrying into effect of this section and preserving the secrecy of voting in pursuance thereof.

Proxy may
vote in
own right.

(10) A person who has been appointed as a voting proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner.

Offences.

(11) Every person who;

(a) attempts to vote at an election otherwise than by means of such voting proxy while such voting proxy is in force; or

- (b) votes or attempts to vote at any election under the authority of a voting proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

shall be guilty of an illegal practice within the meaning of this Act and shall incur a penalty of \$200 and shall be imprisoned for six months. R.S.O. 1950, c. 112, s. 89.

VOTING BY BALLOT

90. The votes shall be given by ballot. R.S.O. 1950, c. 112, s. 90. Voting to be by ballot.

PROCEDURE AT POLL

91.—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll. Attendance of D.R.O.

(2) During such fifteen minutes and before the opening of the poll, the agents who are entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence and to inspect the ballot papers and all other papers, forms and documents relating to the poll. R.S.O. 1950, c. 112, s. 91, *amended*. Counting ballots before opening of poll.

92. The deputy returning officer shall, before opening the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. R.S.O. 1950, c. 112, s. 92. Deputy to show box empty, and lock and seal it.

93. Not more than one voter for each compartment shall enter the room where the poll is held at any one time, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.O. 1950, c. 112, s. 93. One voter only for each compartment.

94. Subject to sections 86 and 95, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, Persons on polling list to be allowed to vote on taking oath if required.

where required by a candidate or his agent, or by the deputy returning officer, takes the oath of qualification (Form 27 or 28) and the oath of allegiance (Form 29) or whichever is required to be taken. R.S.O. 1950, c. 112, s. 94.

Application
of subss.
2-4.

95.—(1) Subsections 2, 3 and 4 of this section apply to rural polling subdivisions and to any voter in any polling subdivision whose name was entered in the first part of the voters' list but has been inadvertently omitted from the Provincial polling list and who is otherwise qualified to vote under this Act.

Omission
of name
from polling
list, voting
when
vouched for.

(2) The deputy returning officer, if required by a person whose name is not on the polling list and who is vouched for by an elector whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street number, lot, concession, etc.*), and that your name as you believe has been omitted in error from the polling list. So help you God.

or, if such person claims that his name appears in the first part of the voters' list, an oath in the following form:

You swear that your name is (*full name of applicant*), that you reside at (*give street number, lot, concession, etc.*), that your name appears in the first part of the voters' list for the polling subdivision in which you reside, that your name as you believe has been omitted in error from the polling list, and that you are qualified to vote at this election. So help you God.

R.S.O. 1950, c. 112, s. 95 (1, 2), *amended*.

Voter to
take oath.

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 29) and the proper oath to be administered to voters (Form 27 or 28) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "Sworn" written thereafter.

Right to
vote.

(4) The applicant upon taking the oath and being vouched for shall be entitled to vote. R.S.O. 1950, c. 112, s. 95 (3, 4).

Administra-
tion of oath
to D.R.O.
voting at
his polling
place.

96. Where a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. R.S.O. 1950, c. 112, s. 96.

When
D.R.O. to
swear voter.

97.—(1) If a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as

being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been requested to do so or not.

(2) Every deputy returning officer who acts in contravention of this section shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 97.

98. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 17 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. R.S.O. 1950, c. 112, s. 98.

99. The deputy returning officer shall, upon the request of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 100. R.S.O. 1950, c. 112, s. 99.

100.—(1) On the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, the deputy returning officer shall require the voter making the application to take an oath (Form 30) of his incapacity to vote without assistance, and shall thereafter assist the voter by marking his ballot in the manner directed by the voter in the presence of the agents of the candidates in the polling place and of no other person, and place the ballot in the ballot box.

(2) The deputy returning officer shall either deal with a blind voter in the manner provided in subsection 1, or at the request of any blind voter who has taken the oath (Form 30) and is accompanied by a friend, shall permit the friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

(3) Any friend who is permitted to mark the ballot of a blind voter under subsection 2 shall first be required to take an oath (Form 31) that he will keep secret the name of the candidate for whom the ballot of the blind voter is marked by him.

(4) No person shall be allowed to act as the friend of more than one blind voter at any polling place.

D.R.O. to put initials on back of ballot paper and number on counterfoil.

Instructions to voter.

Voter incapacitated by blindness, etc.

Blind voter's ballot marked by friend.

Oath of friend.

May act as friend once only.

Entry in
poll book.

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked by him or by a friend of the voter. R.S.O. 1950, c. 112, s. 100.

Voters who
cannot
speak
English.

101.—(1) Where a voter does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter and his answers, and the interpreter shall take the following oath:

I swear (*or* affirm) that I will faithfully translate the oaths, declarations, questions and answers that the deputy returning officer requires me to translate at this election. So help me God.

If no in-
terpreter,
no vote.

(2) If no interpreter is found or presents himself at the polling place, the voter shall not be allowed to vote. R.S.O. 1950, c. 112, s. 101.

Mode of
marking,
folding
and depos-
iting ballot
paper.

102. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper, making a cross with a pen or pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. R.S.O. 1950, c. 112, s. 102, *amended*.

Entries to
be made in
poll book
as to
voters.

103. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. R.S.O. 1950, c. 112, s. 103.

Voter re-
fusing to
be sworn.

104.—(1) A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote, and the vote of such person, if taken and received, shall be void.

Penalty.

(2) Every deputy returning officer who receives such vote or causes it to be received shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 104.

105. A voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box. R.S.O. 1950, c. 112, s. 105.

Voter to leave as soon as possible.

106. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper. R.S.O. 1950, c. 112, s. 106.

Exclusion from balloting compartment.

107. A person who has received a ballot paper shall not take it out of the polling place, and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot paper, but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 107.

Voter not to take his paper from polling place, etc.

108.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Voter who alleges he has been personated.

(2) The deputy returning officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Initials and number to be put on back

(3) The name of the voter shall be entered on the poll book and a note shall be made on his having voted on a second ballot paper and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. R.S.O. 1950, c. 112, s. 108.

Name of voter, etc., to be entered in poll book.

109. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first-mentioned ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 109.

Where ballot paper accidentally spoilt.

110. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote, and a person who has placed or caused to be placed

What shall be deemed a tender of a vote and a voting.

his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box, shall be deemed to have voted. R.S.O. 1950, c. 112, s. 110.

Who may be
in polling
place.

111. In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. R.S.O. 1950, c. 112, s. 111 (1), *amended*.

Consecu-
tive hours
for voting.

112.—(1) Every employee who is a qualified voter shall, while the polls are open on a polling day at an Ontario election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for three consecutive hours his employer shall allow him such additional time for voting as may be necessary to provide the three consecutive hours; no employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours; the additional time for voting above referred to shall be granted at the convenience of the employer.

Penalty.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of the consecutive hours for voting, as in this section provided, is guilty of an offence against this Act punishable on summary conviction by a penalty of \$200 and an additional penalty of an amount equal to the amount of any deduction or reduction which he has made in contravention of this section. R.S.O. 1950, c. 112, s. 112, *amended*.

PROCEEDINGS AFTER CLOSE OF POLL

Duties of
deputy
returning
officer
after close
of poll.

113. Immediately after the close of the poll the deputy returning officer shall place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: The number of voters who voted at this election in this polling place is (*stating the number*), and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box

and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1950, c. 112, s. 113.

114. In counting the votes the deputy returning officer shall reject all ballot papers, herein called "rejected ballot papers", What ballot papers to be rejected in counting votes.

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 108,

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid the same or warrant its rejection. R.S.O. 1950, c. 112, s. 114.

115.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper by a candidate or his agent, and shall decide the objection subject to review on recount or on petition questioning the election or return. Objections to be noted.

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. R.S.O. 1950, c. 112, s. 115. and numbered and initialled.

116.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account of the number of ballots cast for each candidate and of the number of rejected and cancelled ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes. How ballots to be counted.

(2) All rejected and unused ballot papers shall be put into separate envelopes which shall be endorsed so as to indicate their contents, and sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. R.S.O. 1950, c. 112, s. 116. Rejected and unused ballot papers.

117.—(1) The deputy returning officer shall make out a statement in triplicate (Form 32), one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box. Statement of result to be made by D.R.O.

Signatures
to
statement.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present who desire to sign it. R.S.O. 1950, c. 112, s. 117 (1, 2).

Certificate
of result
of poll.

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, a certificate (Form 33) of the number of ballots cast for each candidate and of the number of rejected ballot papers. R.S.O. 1950, c. 112, s. 117 (3), *amended*.

Oath of
poll clerk.

118. The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (Form 34). R.S.O. 1950, c. 112, s. 118.

Poll book,
envelopes,
etc., to be
placed in
large en-
velope in
ballot box.

119. The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O. 1950, c. 112, s. 119.

Ballot box
to be de-
livered to
R.O.

120.—(1) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him the oath (Form 35). R.S.O. 1950, c. 112, s. 120 (1), *amended*.

Right of
candidates,
etc., to be
present.

(2) The candidates or their agents shall be entitled to be present when the ballot box is delivered pursuant to subsection 1. *New*.

Ballot box
may be for-
warded by
registered
post.

(3) In lieu of proceeding under subsection 1, after locking and sealing the ballot box the deputy returning officer may forward it by registered post to the returning officer.

Oath of
D.R.O.

(4) As soon as the deputy returning officer has complied with subsection 1 or 2 he shall take and subscribe the oath (Form 36) and shall personally deliver or transmit it by registered post to the returning officer. R.S.O. 1950, c. 112, s. 120 (2, 3).

Duty of
R.O. on
receipt
of boxes.

121. When the returning officer receives a ballot box he shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it, and immediately on the receipt of a ballot box he shall seal it with his own seal in such a way that it cannot be opened without his seal being broken and

without effacing or covering the seals affixed to it. R.S.O. 1950, c. 112, s. 121.

122. The returning officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them and the large envelope containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1950, c. 112, s. 122.

Count by R.O. and declaration of result.

123. If on the addition of the votes by the returning officer an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O. 1950, c. 112, s. 123.

Casting vote.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

124. If all the ballot boxes are not returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. R.S.O. 1950, c. 112, s. 124.

Adjournment of proceedings where ballot boxes not delivered.

125. If a deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.O. 1950, c. 112, s. 125.

Where default made by D.R.O. in returning documents.

126. If any of the ballot boxes have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.O. 1950, c. 112, s. 126.

Disappearance of ballot boxes, duty of R.O.

127. If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain the

Procedure by R.O. where lists, statements, etc., cannot be found.

total number of votes given for each candidate at the several polling places, and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice, and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question. R.S.O. 1950, c. 112, s. 127.

When
D.R.O. has
neglected to
deliver
statement
of result.

128. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of the deputy returning officer and shall have the powers conferred by section 127. R.S.O. 1950, c. 112, s. 128.

Special
report
by R.O.

129. The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O. 1950, c. 112, s. 129.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE

Interpre-
tation.

130.—(1) In this section and in sections 131 to 143, "judge" means the judge of the county or district court, and where there are two or more judges, the senior judge, or in case of the illness or absence of the senior judge or where the senior judge requests him to act, a junior judge. R.S.O. 1950, c. 112, s. 130 (1).

Where
recount
may be
had.

(2) If within four days after the day on which the returning officer added the votes for the purpose of declaring a candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate,

- (a) that a deputy returning officer has in counting the votes improperly counted any ballot paper, improperly rejected any ballot paper or made an incorrect statement of the number of ballots cast for any candidate; or
- (b) that the returning officer has improperly added up the votes,

and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, postal notes, money orders or a cheque drawn upon and accepted by a chartered bank or trust company doing business in Ontario as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election. R.S.O. 1950, c. 112, s. 130 (2), *amended*.

(3) Where the electoral district comprises parts of two or more counties, the application shall be made to and the recount or final addition shall take place before the judge of the county court of the county having the larger or largest population according to the last Federal census. R.S.O. 1950, c. 112, s. 130 (3). What judge to hold recount when district in two or more counties.

131. At least two days notice in writing of the time and place appointed shall be given to the candidates, the returning officer and the election clerk, and the judge may at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer and the election clerk may be substitutional, or be made by mail, or in such other manner as he thinks fit. R.S.O. 1950, c. 112, s. 131. Notice of time and place of recount.

132. The returning officer after the receipt of the notice shall delay making his return to the Chief Election Officer until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate he shall make his return. R.S.O. 1950, c. 112, s. 132. R.O. to withhold return.

133. The judge may require the clerk of the county court to be present at the time and place appointed. R.S.O. 1950, c. 112, s. 133. Presence of county court clerk.

134.—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers or the original statements of the poll, as the case may be. Summoning officers to be present with documents.

(2) The ballot papers and original statements shall continue in the custody of the returning officer and he shall be responsible for them subject to any direction that the judge may give with respect thereto. R.S.O. 1950, c. 112, s. 134. Production and custody of ballot papers on a recount.

135. The returning officer and the election clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than two agents, and may himself be present, and except with the Who to be present at recount.

sanction of the judge, no other person shall be present. R.S.O. 1950, c. 112, s. 135 (1, 3), *amended*.

Procedure
by judge.

136. At the time and place appointed and in the presence of such of the persons mentioned in section 135 as are present, the judge shall make the final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,

- (a) the used ballot papers that have been counted;
- (b) the rejected ballot papers;
- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers.

R.S.O. 1950, c. 112, s. 136.

Recount to
proceed con-
tinuously.

137.—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between 6 p.m. and 9 a.m.

Care of
documents
during
recount.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the other persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. R.S.O. 1950, c. 112, s. 137.

Rules to
govern
judge in
proceedings.

138. The judge shall, in the case of a recount, proceed according to the rules of the counting of the ballot papers at the close of the poll by the deputy returning officer, and shall verify and correct the statement of the poll (Form 32). R.S.O. 1950, c. 112, s. 138.

Sealing up
ballot at
close of
recount.

139.—(1) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of the final addition he shall seal up the original statements in their respective envelopes.

Distin-
guishing
disputed
ballots.

(2) If either party requests him to do so, the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O. 1950, c. 112, s. 139.

140.—(1) The judge shall, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein. Reviewing decision of R.O. when ballot box or documents missing.

(2) For the purpose of arriving at the facts, the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O. 1950, c. 112, s. 140. Powers of judge.

141.—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided. When judge to send in certificate.

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall certify forthwith the result to the returning officer who shall then declare the candidate having the largest number of votes to be elected. When declaration of result to be given.

(3) In case of an equality of votes, the returning officer shall give the casting vote. R.S.O. 1950, c. 112, s. 141. Casting vote.

142.—(1) The costs of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom, and in what manner they shall be paid. Costs.

(2) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. R.S.O. 1950, c. 112, s. 142. Taxing and allowing costs.

143. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O. 1950, c. 112, s. 143. Deposits, disposal of.

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

144.—(1) If a party desires to appeal from the decision of the judge who conducted the recount or final addition, he may do so on giving notice in writing to the opposite party and to that judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge.

Service of
notice of
appeal.

(2) The notice may be served upon the opposite party personally or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Court of Appeal may direct.

Ballots,
etc., to be
forwarded
to Registrar
of Supreme
Court.

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall seal up the ballots that are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the Registrar of the Supreme Court, but if the appeal is not limited, that judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing
copy of
certificate
of judge.

(4) The judge who conducted the recount or final addition shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

Appoint-
ment for
hearing
of appeal.

(5) On receipt of the ballot papers and notice, the Registrar shall forthwith obtain an appointment from a judge of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal
may be
heard.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

Procedure
on hearing
of appeal;
certificate
of result.

(7) At the time appointed the judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.

Costs of
appeal.

(8) The judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1950, c. 112, s. 144.

ELECTION RETURN

When
return to
be made.

145.—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 37) to the Chief Election Officer that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

(2) The returning officer shall accompany his return to the Chief Election Officer with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.O. 1950, c. 112, s. 145. Report by R.O.

146.—(1) The returning officer shall at the same time transmit to the Chief Election Officer, enclosed in a box or other covering, securely locked, sealed with the seal of the returning officer, the writ, the list mentioned in subsection 5 of section 85, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers. R.O. to transmit to C.E.O. the ballot papers, etc.

(2) The returning officer shall endorse on the package a description of its contents, the date of the election to which they relate and the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election. Endorsement thereon.

(3) The packages shall be sent by express or by registered post. How to be sent.

(4) An affidavit (Form 38) shall be made by the returning officer forthwith after transmitting his return, and it shall be transmitted forthwith by him to the Chief Election Officer by registered post. Oath of R.O. after transmitting return.

(5) The returning officer shall at the same time or within ten days thereafter transmit to the Chief Election Officer in a box or other covering, securely locked and sealed with the seal of the returning officer, all the packages of ballot papers not distributed by him to the deputy returning officers, all ballot paper returned to him by the printer, all documents, papers, stationery and supplies in his possession, all receipts for paper given to him for ballot paper, and a record of all ballot paper supplied to him by the Chief Election Officer and a complete record of its disposal. Return of unused material.

(6) The returning officer shall paste upon the box mentioned in subsection 5 a label with the words "Unused Election Material", the name of the electoral district and the date of the election written or printed thereon. R.S.O. 1950, c. 112, s. 146. Endorsement on package.

147.—(1) If a returning officer wilfully delays, neglects or refuses, Application to compel returning officer to add up votes, make return, etc.

(a) to add up the votes;

- (b) to declare to be elected the candidate having the largest number of votes;
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes,

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that he is shown to have omitted.

Notice of application.

- (2) The notice shall be served upon the returning officer and upon the persons who were candidates at the election.

Application of Rev. Stat., c. 190 and rules.

- (3) In other respects *The Judicature Act* and the rules made thereunder shall apply to such application.

Other rights and remedies.

- (4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. R.S.O. 1950, c. 112, s. 147.

Notice of return in Ontario Gazette.

148. The Chief Election Officer shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of *The Ontario Gazette* notice of the receipt of the return, the date of such receipt and the name of the candidate elected. R.S.O. 1950, c. 112, s. 148.

CUSTODY OF ELECTION PAPERS

How long to be retained and when to be destroyed.

149.—(1) Subject to this Act, the Chief Election Officer shall retain in his possession the documents transmitted to him by the returning officer under section 146 for at least one year, and if the election is contested, then for one year after the termination of the contestation.

How to be kept by C.E.O.

(2) The Chief Election Officer shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

Marking boxes when not to be destroyed.

(3) If notice of the presentation of a petition is received by the Chief Election Officer or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". R.S.O. 1950, c. 112, s. 149.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

150. All documents forwarded by a returning officer in pursuance of this Act to the Chief Election Officer, other than ballot papers, shall be opened to public inspection at such time and under such regulations as may be prescribed by him, and he shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of 10 cents for each 100 words, and in computing the number of words a figure shall be counted as a word. R.S.O. 1950, c. 112, s. 150, *amended*.

151.—(1) No person shall be allowed to inspect any ballot paper in the custody of the Chief Election Officer except under an order of a judge of the Supreme Court.

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of the ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

(3) The order may be made subject to such conditions as the judge may think proper.

(4) Subject to the order, the inspection shall take place under the immediate supervision of the Registrar of the Supreme Court at his office in Osgoode Hall, and he shall be present during the inspection, and so long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1950, c. 112, s. 151.

152. Where an order is made by a judge of the Supreme Court for the production by the Chief Election Officer of any document in his possession relating to an election, the production of it by him or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1950, c. 112, s. 152.

153.—(1) Notwithstanding anything in sections 150, 151 and 152, all documents, including used and unused ballot papers, relating to an election in the custody of the Chief Election Officer or of any other person, may be opened, inspected and examined under such conditions and regulations

as may be made by the Committee on Privileges and Elections of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and upon any such proceeding before the Committee any such document may be filed as an exhibit and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto.

Compella-
bility of
witnesses.

(2) Upon such inquiry, no person shall be excusable as a witness on any ground of privilege or upon the ground that his answer may expose him to criminal proceedings or to any penalty that may be imposed under any statute of Ontario. R.S.O. 1950, c. 112, s. 153.

PRESERVATION OF THE PEACE

Powers of
R.O.
and
D.R.O.

154. A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall have and may exercise the powers of a justice of the peace. R.S.O. 1950, c. 112, s. 154.

Assistance
by justices
and
constables.

155. A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he may deem necessary. R.S.O. 1950, c. 112, s. 155.

Special
constables.

156. On a requisition in writing made by a candidate or by his agent, a returning officer shall swear in as many special constables as may be necessary. R.S.O. 1950, c. 112, s. 156, *amended*.

Arrest
and im-
prisonment
on verbal
order.

157. A returning officer or deputy returning officer may arrest, or by verbal order cause to be arrested and placed in the custody of a constable or other person, any person disturbing the peace and good order at the election, and may cause the person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be. R.S.O. 1950, c. 112, s. 157.

SECRECY OF PROCEEDINGS

Maintaining
secrecy of
proceedings.

158.—(1) Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with voters.

(2) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper,

or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted. R.S.O. 1950, c. 112, s. 158. Communicating information as to how a voter is voting.

159. No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted. R.S.O. 1950, c. 112, s. 159. Inducing voter to display ballot after marking.

160. No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to a voter at a polling place under section 108, except to a court or judge lawfully requiring him to do so, or attempting to ascertain at the counting of the votes the number on the back of any such ballot paper. R.S.O. 1950, c. 112, s. 160. Communicating information as to number on back of ballot.

161. Subject to section 100, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he has voted to be known. R.S.O. 1950, c. 112, s. 161. Voter not to display marked ballot.

162. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 39). R.S.O. 1950, c. 112, s. 162. Oath of secrecy.

163.—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been violated, he shall communicate the particulars with all convenient speed to the Crown attorney. Proceedings where officers aware of violation of secrecy.

(2) The Crown attorney shall, on receiving such information from such officer or from any other person, forthwith inquire into the case and if proper prosecute the offender. R.S.O. 1950, c. 112, s. 163. Duty of Crown attorney thereon.

164. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. R.S.O. 1950, c. 112, s. 164. No one compellable to disclose his vote.

CORRUPT PRACTICES, ETC.

Bribery,

165.—(1) Every person who,bribing
voter or
procuring
bribery
by money;

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

by gift
or offer
or promise
of employ-
ment;

(b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

to induce
anyone to
procure
return of
candidate;

(c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

receiving
bribe to
procure
return of
candidate;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

advancing
money to
be spent in
corrupt
practices;

(e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;

applying for
money or
employment
in consid-
eration of
voting;

(f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing

or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment;

- (g) before or during an election, directly or indirectly, ^{receiving money, office, etc., for having voted;} himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;
- (h) after an election, directly or indirectly, himself or ^{receiving money corruptly after election;} by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election;
- (i) in order to induce a person to allow himself to be ^{giving or promising office to induce a candidate to stand or withdraw;} nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person; or
- (j) in order to induce a person to withdraw from being a ^{bribing candidate to retire.} candidate at an election, directly or indirectly, gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or any other person,

shall be guilty of bribery and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months.

(2) The actual personal expenses of a candidate, his ^{Saving as to personal expenses of candidates.} reasonable expenses for actual professional services performed, *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Saving as
to distri-
bution of
political
literature.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest during the election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. R.S.O. 1950, c. 112, s. 165.

Furnishing
meat, drink,
etc., forbid-
den except
at residence
of the person
furnishing.

166.—(1) A candidate shall not, nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of the candidate or other person at a meeting of voters assembled for the purpose of promoting the election, before or during the election, or pay or promise or engage to pay therefor; but nothing in this section shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where the residence is a private house.

Penalty.

(2) Every person offending against this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 166.

Treating.

167.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expense incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

Giving
refresh-
ments
prima facie
evidence of
corrupt
practice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of
treating
not
sufficient
answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. R.S.O. 1950, c. 112, s. 167.

Candidate
betting.

168.—(1) Every candidate who, before or during the election makes, or takes a share or interest in, or in any manner becomes a party to, a bet or wager upon the result of the election in the electoral district in any part thereof or

on any event or contingency relating to the election, shall be guilty of a corrupt practice.

(2) Every candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice. Providing money for betting.

(3) Every person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. Other persons. R.S.O. 1950, c. 112, s. 168.

169.—(1) Every candidate who himself or by any other person on his behalf and every other person who, Hiring conveyances to carry voters to poll.

(a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter, other than the hirer, to or near or from or on the way to or from a polling place, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in paragraph 5 of subsection 2 of section 200.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election. Furnishing transportation to voters.

(3) For the purpose of this section, "conveyance" includes automobile, horse, team, carriage, cab, vehicle, boat and vessel. Interpretation.

(4) Save as provided in subsection 1, nothing in this Act shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. Use of private vehicle. R.S.O. 1950, c. 112, s. 169.

Providing
refresh-
ments on
nomination
day or
polling day.

170. The giving or causing to be given to a voter on nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice and the person so offending shall incur a penalty of \$10. R.S.O. 1950, c. 112, s. 170.

Undue
influence.

171.—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflict or threatens to inflict injury, damage, harm or loss, or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200 and shall also upon conviction be imprisoned for one year.

Pretence
that
ballot is
not secret.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1950, c. 112, s. 171.

Personation.

172.—(1) Every person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) Every person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 172.

Procuring
appoint-
ment as
D.R.O. or
poll clerk
by fraud.

173. Every person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority, shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 173.

174. Every person who knowingly appoints an election clerk, deputy returning officer or poll clerk who has at any time been found guilty by a competent tribunal of a corrupt practice or reported by an election court for a corrupt practice, shall be guilty of a corrupt practice and shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 174.

175. Every person who votes knowing that he has no right to vote, and every person who induces or procures any other person to vote, knowing that the other person has no right to vote, shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 175.

176. Every person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.O. 1950, c. 112, s. 176.

177. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 178, be void. R.S.O. 1950, c. 112, s. 177.

178. If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds,

- (a) that no corrupt practice was committed at the election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election;
- (c) that the corrupt practice was of a trivial, unimportant and limited character; and
- (d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and his agent,

then the election of the candidate shall not, by reason of the corrupt practice, be void. R.S.O. 1950, c. 112, s. 178.

When dis-
qualification
incurred.

179. No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an election court. R.S.O. 1950, c. 112, s. 179.

Candidate
guilty of
corrupt
practice
disqualified
for 8
years.

180.—(1) Subject to subsection 2, where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Saving
where
corrupt
practice
committed
in excusable
ignorance.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance that was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under subsection 1. R.S.O. 1950, c. 112, s. 180.

Disqualifi-
cation of
persons
other than
candidates.

181.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless the finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 180.

Rev. Stat.,
c. 67.

Exemptions.

(2) No person shall be subject to the penalties and disabilities referred to in subsection 1 by reason of,

(a) a mere technical breach of law; or

(b) an act not being an intentional violation of law.
R.S.O. 1950, c. 112, s. 181.

Appeal.

182. Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent, there may be an appeal as provided by *The Controverted Elections Act*, and if the Supreme Court

determines that a corrupt practice was committed, then unless the court is of the opinion that the case falls within section 178, the election shall be void, but the candidate shall not be disqualified. R.S.O. 1950, c. 112, s. 182.

183. If an election is set aside and a second election had, ^{Where second election held as result of protest.} the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 180. R.S.O. 1950, c. 112, s. 183.

184. If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for the candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. ^{Votes to be struck off on scrutiny when corrupt practice is proved.} R.S.O. 1950, c. 112, s. 184.

185. If on the trial of an election petition, a candidate is proved to have personally engaged a person as a canvasser or agent, knowing that he has, within the eight years previous to the engagement, been found guilty by a competent tribunal of or reported by an election court for a corrupt practice, the election of the candidate shall be void. ^{Election of candidate to be void for employing agent previously found guilty of corrupt practice.} R.S.O. 1950, c. 112, s. 185.

186. If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Supreme Court, upon the motion of the person disqualified and upon being satisfied that the disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. ^{Removal of disqualification on proof that disqualification was procured by perjury.} R.S.O. 1950, c. 112, s. 186.

187. Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. ^{Executory contracts arising out of elections to be void.} R.S.O. 1950, c. 112, s. 187.

188. No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has ^{No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.}

previously *bona fide* prosecuted the other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. R.S.O. 1950, c. 112, s. 188.

Returning officers, etc., wilfully falsifying or altering list of voters.

189. A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 189.

Offences relating to ballot papers.

190. Every person who,

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon;
- (b) without authority, supplies a ballot paper to any person;
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein;
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer;
- (e) fraudulently takes a ballot paper out of the polling place;
- (f) without authority, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purpose of an election;
- (g) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

- (i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (j) attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and in the case of any other person, shall on conviction be liable to imprisonment for one year. R.S.O. 1950, c. 112, s. 190.

191.—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. c. 112, s. 191.

Abettors punishable.

192.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election shall incur a penalty of \$20 in respect of each such ballot paper.

Penalty for D.R.O. omitting to initial ballots.

(2) Every deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 113 to 120 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O. 1950, c. 112, s. 192.

D.R.O. or poll clerk neglecting duties.

193. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 193.

Wilful misconduct in counting ballots, etc.

194. Every person who acts in contravention of sections 158, 159, 160 or 161 shall be liable on conviction to imprisonment for a term of not more than six months. R.S.O. 1950, c. 112, s. 194.

Penalty for violating secrecy.

Penalty to
persons
aggrieved.

195. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. R.S.O. 1950, c. 112, s. 195.

How pen-
alties re-
coverable.
Rev. Stat.,
c. 67.

196. Subject to *The Controverted Elections Act*, and except as in this Act otherwise provided,

- (a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by anyone who sues for the same in any court of competent jurisdiction, and the court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;
- (b) it shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;
- (c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. R.S.O. 1950, c. 112, s. 196.

Prosecutions
for corrupt
practices
punishable
by im-
prisonment.

197. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Controverted Elections Act*. R.S.O. 1950, c. 112, s. 197.

Writ, etc.,
need not be
produced at
trial.

198. In any proceeding under sections 196 and 197, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election, but general evidence shall be sufficient. R.S.O. 1950, c. 112, s. 198.

ELECTION EXPENSES, FEES, ETC.

Appoint-
ment of
official
agent.

199.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer at the expense of the candidate in the manner provided by section 61. R.S.O. 1950, c. 112, s. 199.

On death or incapacity of an agent, appointment of another.

200.—(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent.

Payments not to be made except through official agent.

(2) The expression “personal expenses” when used in this section includes the following expenses, and payment therefor may lawfully be made by the candidate personally:

Interpretation.

1. Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same.
2. Reasonable and ordinary travelling and living expenses of the candidate.
3. Reasonable and ordinary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate.
4. Reasonable and ordinary charges for the hire of conveyances for the use of the candidate.
5. Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

Burden of proof.

(4) The contracting for or the receipt of the ordinary and reasonable charges,

Receipt of ordinary and reasonable charges, when not to disqualify voter.

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election;
- (b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by paragraph 5 of subsection 2,

shall be lawful and shall not disqualify him from voting. R.S.O. 1950, c. 112, s. 200.

Claims on candidates.

201.—(1) Every person who has any claim against a candidate for or in respect of an election shall send it in within sixty days from the day of the declaration of the result of the election to the official agent of the candidate, otherwise he shall be barred of his right to recover it. R.S.O. 1950, c. 112, s. 201 (1), *amended*.

Case of death of person making claim.

(2) In case of the death within such period of the person having the claim, his legal representative shall send it in within one month after probate or administration has been obtained, otherwise the right to recover it shall be barred.

Case of death of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed, the claim may be sent in or delivered to the candidate.

Agent not to pay without authority of candidate.

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent. R.S.O. 1950, c. 112, s. 201 (2-4).

Payment of accounts.

202.—(1) Notwithstanding anything in section 201, any claim that would have been payable if sent in within sixty days of the day of the declaration may be paid by the candidate through his official agent after that time if the claim is approved by a judge of the Supreme Court or by the judge of the county court of a county in which the electoral district or some part of it is situate. R.S.O. 1950, c. 112, s. 202 (1), *amended*.

Advertising claims.

(2) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1950, c. 112, s. 202 (2).

203.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Statement of election expenses, etc., to be sent by agent to R.O.

(2) The returning officer, within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulated in the electoral district.

Abstract thereof to be published.

(3) Every agent or candidate who makes default in delivering the statements to the returning officer shall incur a penalty not exceeding \$25 for every day during which he so makes default.

Penalty for default in delivering statement.

(4) Every agent or candidate who wilfully furnishes an untrue statement to the returning officer shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 203.

Penalty for false statement.

204. The returning officer shall preserve all such statements, bills and vouchers, and shall, during the six months next after they have been delivered to him, permit any voter to inspect them on payment of a fee of 25 cents. R.S.O. 1950, c. 112, s. 204.

R.O. to preserve bills, etc., and allow inspection.

205.—(1) The fees and expenses to be allowed to the officers and other persons for their services and disbursements under this Act shall be fixed by the Lieutenant-Governor in Council.

Tariff of fees.

(2) The fees and expenses to be allowed to the returning officers, boards, and other officers and persons for services performed under this Act shall, so far as the same are payable by the Province, be payable out of the Consolidated Revenue Fund.

Payment of expenses of Act.

(3) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accountable warrants.

Accounts
and audit.

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs.

Audit by
Auditor of
Criminal
Justice
Accounts.

(5) All accounts respecting such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the provincial Auditor shall countersign the same. R.S.O. 1950, c. 112, s. 205.

Rev. Stat.,
c. 112,
repealed.

206. *The Election Act* is repealed.

Commence-
ment.

207. This Act shall come into force on the day it receives the Royal Assent.

Short title.

208. This Act may be cited as *The Election Act, 1951*.

SCHEDULE

FORM 1

*The Election Act, 1951**Section 19 (1)*AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST
AFTER CHANGE OF RESIDENCE

I, (insert given names and surname), of the (city, town, village or township) of (name of municipality), (occupation), make oath and say (or solemnly affirm):

1. That I am of the full age of 21 years (or I will be of the full age of 21 years on the.....day of....., being the date fixed for holding the poll at this election).

2. That I am a British subject.

3. That I have resided in Ontario since the.....day of....., 19.... (naming a date at least 12 months prior to the date fixed for holding the poll).

4. That I resided in (state municipality from which move took place) and was entered on the last revised voters' list for that municipality (or was entitled to be entered on the last revised voters' list for that municipality).

5. That had I continued to reside in that municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.

6. That on the.....day of..... (insert date of move), I moved from that municipality to this city (town, village or township), and now reside at (insert street number, lot and concession of place of residence), and that such move took place in the pursuit of my ordinary profession (or occupation or calling) and not for the purpose of enabling me to vote at this election in this municipality.

[Or, in the case of a person who has moved from one electoral district to another as a member of the family or household of a person who has so moved in the pursuit of his ordinary occupation or calling or business,

6. That on the.....day of..... (insert date of move), I moved from that municipality to this city (town, village or township) with C. D. as a member of his family or household, being the wife (or son or daughter or other relation or dependant, naming the relationship or connection) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (or occupation or calling) and not for the purpose of enabling him or the members of his family to vote at this election.]

7. That I now reside in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act, 1951*, or otherwise prohibited by law from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (or affirmed) before me at
the.....of.....
this.....day of....., 19....

A Commissioner, etc.
(See *The Election Act, 1951*, s. 9.)

A. B.,
Applicant

R.S.O. 1950, c. 112, Form 2.

FORM 2

*The Election Act, 1951**Section 19 (2)*CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON MOVING
FROM ONE ELECTORAL DISTRICT TO ANOTHER

County of..... To Wit:

I,.....(*name of revising officer or judge*),
do certify that.....(*insert
name of voter*), having duly filed with me the affidavit required by section
19 of *The Election Act, 1951* as having moved into the Electoral District of
.....(*insert name of district*)
within two months from the day fixed for holding the poll at the election
of a member to serve in the Assembly for the said Electoral District and
having satisfied me that he is entitled to be entered on the list of voters
in the.....of.....and to vote therein at
the poll to be held on the.....day of....., I have
caused his name to be entered upon the list of voters for polling subdivision
No.....in the.....of.....as provided by the said
Act, and I believe him to be duly entitled to vote at the said poll.

Dated this.....day of....., 19....

.....
Revising Officer or Judge
as the case may be

R.S.O. 1950, c. 112, Form 3.

FORM 3

*The Election Act, 1951**Sections 25 (2), 74 (1)*

DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter shall vote for one candidate only.

The voter shall go into one of the compartments and with the black lead pencil there provided place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.

If a voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, and Joseph O'Neil, and the voter has marked his ballot paper in favour of Joseph O'Neil, and the counterfoil has been detached:



1 WM. R. BROWN
of the City of Toronto, Barrister.



2 FRANK HAMON
of the City of Toronto. Artist.



3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.

X



FORM 4

*The Election Act, 1951**Section 25 (1)**To be put up at all Polling Places*

NOTICE AS TO SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place that may enable or assist a person to ascertain how another person has voted.

It is also the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting.

Any person who acts in contravention of his duty in any of these particulars is liable to imprisonment for a term not exceeding six months.

It is further provided by *The Election Act, 1951* that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year (*Section 190*).

The Election Act, 1951 further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of \$400 (*Section 95*).

A. B.,
Chief Election Officer

R.S.O. 1950, c. 112, Form 5.

FORM 5
The Election Act, 1951
Sections 26, 86 (4)

FORM OF POLL BOOK

Consecutive Number	NAMES OF VOTERS	Place of Residence	Occupation	Objections	Sworn or affirmed	Refused to swear or affirm or to answer	Marks indicating that Voter has voted	REMARKS

R.S.O. 1950, c. 112, Form 6.

FORM 6

*The Election Act, 1951**Sections 36, 47*

OATH OF RETURNING OFFICER

I, *A. B.*, Returning Officer for the Electoral District of, swear (or solemnly affirm) that I am legally qualified to act as Returning Officer for the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at
the.....of.....
this.....day of....., 19..

A. B.,
Returning Officer

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 7.

FORM 7

*The Election Act, 1951**Section 37 (1)*

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME
AND PLACE FOR THE NOMINATION OF CANDIDATES
AND THE DAY FOR OPENING THE POLL

PROCLAMATION

Electoral District of.....

Public Notice is hereby given that in obedience to His Majesty's Writ to me directed and bearing date the.....day of
....., 19...., I require the presence of the voters at the Town Hall (or as the case may be), in the County (or Township or City or Town) of.....on the.....day of
....., 19...., from 1 p.m. until 2 p.m., for the purpose of nominating a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be open on the.....day of....., 19...., from 8 a.m. until 7 p.m. as follows:

For the polling subdivision No. 1, consisting of (or bounded as follows: or otherwise describing it clearly) at.....
(describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral district).

And further, that at (describe place where votes will be added up) on the
.....day of....., 19...., at the hour of....., I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God Save the King.

Given under my hand at.....this.....day of
....., 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 8.

FORM 8

*The Election Act, 1951**Section 43 (1)*

COMMISSION OF ELECTION CLERK

To *E. F.* (set forth his residence and occupation)

In my capacity as Returning Officer for the Electoral District of I hereby appoint you to be my Election Clerk, to act in that capacity at the approaching election for the said Electoral District, which election will be opened by me on the day of, 19.... (*the date to be inserted here is the day of nomination*).

Given under my hand at this day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 9.

FORM 9

*The Election Act, 1951**Section 44*

OATH OF ELECTION CLERK

I, *E. F.*, appointed Election Clerk for the Electoral District of, swear (*or solemnly affirm*) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the of
this day of, 19....

E. F.,
Election Clerk

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 10.

FORM 10

*The Election Act, 1951**Section 58 (1)*

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE
TO BE READ ON NOMINATION DAY

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while
His Majesty's Writ for the present Election is publicly read.

God Save the King.

R.S.O. 1950, c. 112, Form 11.

FORM 11

*The Election Act, 1951**Section 58 (2)*

FORM OF NOMINATION PAPER

We, the undersigned, electors of the Electoral District of.....
....., hereby nominate (*name, residence and addition or
description of person nominated*) as a candidate at the election about to be
held of a member to represent the said Electoral District in the Legislative
Assembly. (*Where the person nominated is absent from Ontario, add: The
said....., nominated in the foregoing
nomination paper, is now absent from Ontario.*)

Witness our hands at....., in the said
Electoral District, this.....day of....., 19....

Signed by the said electors in the }
presence of....., } Signatures and residence and
.....(addition) } addition

I, the said....., nominated in the foregoing
nomination paper, hereby consent to such nomination.

Witness my hand at....., this.....day of
....., 19....

Signed by the said nominee in the }
presence of....., } J. K.
.....(addition) }

R.S.O. 1950, c. 112, Form 12.

FORM 12

*The Election Act, 1951**Section 62 (1)*

WITHDRAWAL OF CANDIDATE

I,....., a candidate nominated for the
Electoral District of....., hereby withdraw.

Dated at.....this.....day of....., 19....

.....
Candidate

Witness

R.S.O. 1950, c. 112, Form 13.

FORM 13

*The Election Act, 1951**Section 65 (1)*

COMMISSION OF DEPUTY RETURNING OFFICER

To G. H. (*set forth his residence and occupation*)

In my capacity as Returning Officer for the Electoral District of I hereby appoint you to be Deputy Returning Officer for Polling Place No. of the Township (*or as the case may be*) of in the said Electoral District, there to take the votes of the voters and you are hereby authorized and required to open and hold the poll at the said Polling Place on the day of 19...., at 8 a.m., at (*here describe particularly the place in which the poll is to be held*), and to keep the poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and after counting the votes given, to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this Commission.

Given under my hand at this day of 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 14.

FORM 14

*The Election Act, 1951**Section 66*

OATH OF DEPUTY RETURNING OFFICER

I, G. H., appointed Deputy Returning Officer for Polling Place No. of the Township (*or as the case may be*) of swear (*or solemnly affirm*) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the of
this day of 19....

G. H.,
Deputy Returning Officer

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 15.

FORM 15

*The Election Act, 1951**Section 72 (5)*RECEIPT OF RETURNING OFFICER FOR BALLOT PAPER RECEIVED FROM
CHIEF ELECTION OFFICER

I,, Returning Officer for the Electoral District
of, do hereby acknowledge that I have this day
received from the Chief Election Officer sheets
of ballot paper, ballots to the sheet, total weight,
the same being for use at the vote to be taken on the day of
....., 19....

Dated at this day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 17.

FORM 16

*The Election Act, 195**Section 72 (7)*RECEIPT OF PRINTER FOR BALLOT PAPER RECEIVED FROM
RETURNING OFFICER

I (or We) do hereby acknowledge receipt of sheets of ballot
paper, ballots to the sheet, from the Returning Officer for
the Electoral District of, the same to be printed
as per instructions for use at the vote to be taken on the day of
....., 19....

Dated at this day of, 19....

.....
Printer

R.S.O. 1950, c. 112, Form 18.

FORM 17

*The Election Act, 1951**Section 72 (8), 98*

FORM OF BALLOT PAPER

(Front)

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines shall be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1

WM. R. BROWN

of the City of Toronto, Barrister.

2

FRANK HAMON

of the City of Toronto, Artist.

3

JOSEPH O'NEIL

of the City of Toronto, Gentleman.

4

JOHN R. SMITH

of the City of Toronto, Merchant.

FORM 17—*Continued*

FORM OF BALLOT PAPER

(Back)

No. 325.
.....No. 325.
POLL BOOK
No.D. R. O.
INITIALS
.....ELECTORAL DISTRICT
OF
19

R.S.O. 1950, c. 112, Form 16.

FORM 18

*The Election Act, 1951**Section 72 (12)*

AFFIDAVIT OF PRINTER

I,, swear (or solemnly affirm):

1. That by direction of the Returning Officer for the Electoral District of, I printed the ballot papers for use at the election to be held on the day of, 19....
(insert date of polling) on the paper furnished by him for that purpose.

2. That the attached form shows the description of the ballot papers printed by me as aforesaid.

3. That I supplied the Returning Officer with of such ballot papers.

4. That I returned to the Returning Officer spoiled ballot papers and unused sheets of ballot papers.

5. That no other such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at
the of
this day of, 19....

A Commissioner, etc.
(See *The Election Act, 1951*, s. 9.)

(The Returning Officer will ensure that the copy of the ballot paper is attached.)

R.S.O. 1950, c. 112, Form 19.

FORM 19

*The Election Act, 1951**Section 74 (2)*

RECEIPT FOR BALLOT PAPERS RECEIVED FROM RETURNING OFFICER

(Count your ballots, fill in this Form and forward at once to Returning Officer)

....., 19....

I,, Deputy Returning Officer for Polling Subdivision No. in the Electoral District of, hereby acknowledge that I have received from Returning Officer for the said Electoral District, books of ballot papers and have carefully examined and counted them and find that they contain ballots.

.....
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 20.

FORM 20

*The Election Act, 1951**Sections 78 (1), 81*

COMMISSION OF POLL CLERK

To *J. C.* (*set forth his residence and occupation*)

In my capacity of Deputy Returning Officer for Polling Place No....., of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand at.....this.....day of
....., 19.....

.....
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 22.

FORM 21

*The Election Act, 1951**Section 78 (1)*

OATH OF POLL CLERK

I, *J. C.*, appointed Poll Clerk for Polling Place No.....of the Township (*or as the case may be*) swear (*or solemnly affirm*) that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (*or affirmed*) before me at
the.....of.....
this.....day of....., 19.....

J. C.,
Poll Clerk

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 21.

FORM 22

*The Election Act, 1951**Section 85 (1)*

CERTIFICATE OF RETURNING OFFICER FOR OUTSIDE VOTERS

I,, Returning Officer
for the Electoral District of, at the request
of of the
of, Merchant (*or as the case may be*),
an elector of the said Electoral District, who has been appointed Deputy
Returning Officer (*or Poll Clerk or Agent*) for
one of the Candidates at this election (*as the case may be*) for polling
subdivision No. of the
(*or as the case may be*) in the said Electoral District do hereby certify
that the said is entitled to vote at this
election at the polling place for the said polling subdivision, being the
polling place where he is to be stationed during the polling day.

Dated at this day of, 19....

.....
Returning Officer

NOTE.—This certificate is not to be signed by the returning officer
until the name, residence and occupation of the person to whom it is
granted have been filled in.

R.S.O. 1950, c. 112, Form 23.

FORM 23

*The Election Act, 1951**Section 88 (4)*

NOTICE OF HOLDING AN ADVANCE POLL

Notice is hereby given that pursuant to *The Election Act, 1951* (section
88) a poll for the Electoral District of will be open
on, and, the
and days of, 19...., from 8 a.m. until
5 p.m., and from 7 p.m. until 10 p.m.

The polling place for the said electoral district will be located at
..... for the purpose of receiving the votes of voters
who will be absent in the ordinary course of their business or employment
from the electoral district on the day fixed for polling.

The ballot box will be opened and the votes counted at
o'clock in the of
the day of at the said place.

Dated at this day of, 19....

.....
Returning Officer

R.S.O. 1950, c. 112, Form 24.

FORM 24

*The Election Act, 1951**Section 89 (2)*

APPOINTMENT OF PROXY

I,, of the of
 in the County of, being a voter entered on the voters'
 list, with a right to vote at the pending election in the of
 in the Electoral District of, hereby
 nominate and appoint of in
 the County of, as my true and lawful
 (occupation)
 attorney for me and in my name to vote at the said Election;

And I hereby certify that I am a British subject, of the full age of 21
 years, and otherwise entitled to vote at the said Election.

In witness whereof I have hereunto set my hand on board the steamship
 at this day of
, 19.....

Witness:

}

R.S.O. 1950, c. 112, Form 25.

FORM 25

*The Election Act, 1951**Section 89 (5)*

CERTIFICATE OF REVISING OFFICER

I, A. B., the revising officer duly appointed under *The Voters' Lists Act, 1951* for the purpose of revising the voters' list to be used at the election now pending for the Electoral District of do certify that C. D., a voter entered on the voters' list and having the right to vote at the pending election in the of in the Electoral District of, duly appeared before me at my sittings for the revision of the lists for the of, and that upon the evidence there tendered by him (or on his behalf) I find that E. F., named in this appointment as a mariner, is duly qualified to vote at the said pending election, and that the said C. D. is a person duly qualified to act as proxy for the said mariner and to vote on his behalf at the said Election.

Dated this day of, 19.....

.....
 Revising Officer

R.S.O. 1950, c. 112, Form 26.

FORM 26

*The Election Act, 1951**Section 89 (7)*FORM OF OATH TO BE ADMINISTERED TO A PROXY VOTING
FOR A MARINER

You swear (*or solemnly affirm*):

1. That you are the proxy for the mariner having the name of in the polling list now shown to you and that the said mariner signed the proxy.

2. That the said mariner is of the full age of 21 years.

3. That the said mariner is a British subject.

4. That the said mariner is not a citizen or subject of any foreign country.

5. That the said mariner has resided within Canada for the 12 months last past, except for temporary absences as a mariner.

6. That the said mariner has resided in the electoral district continuously for the two months last past, and is now actually resident or domiciled therein except for such temporary absences as a mariner.

7. That the said mariner is not disqualified from voting at this election and is entitled to vote at this election and at this polling place.

8. That you verily believe that the said mariner has not voted before at this election or at any other polling place.

9. That you verily believe that the said mariner has not received anything or has anything been promised him directly or indirectly to induce him to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you verily believe that the said mariner has not directly or indirectly promised anything to any person to induce him to vote or refrain from voting at this election.

11. That you have not been paid or promised or received anything for or in connection with voting on behalf of the said mariner and that you verily believe that the said mariner executed the said proxy in good faith.

12. That you are voting on his behalf in good faith at this election.

So help you God.

R.S.O. 1950, c. 112, Form 27.

FORM 27

*The Election Act, 1951**Sections 94, 95 (3)*FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER
SECTION 18, PARAGRAPH 1

You swear (*or solemnly affirm*):

1. That you are the person having the name of.....
in the polling list now shown to you (*or where a voter votes under a certificate
given under section 85 of The Election Act, 1951 that you are the person
named in the certificate now shown to you*).

2. That you are of the full age of 21 years.

3. That you are a British subject.

4. That you are not disqualified under *The Election Act, 1951* or otherwise prohibited by law from voting.

5. That you have been a resident of Ontario for the past 12 months.

6. That you were ordinarily resident in this electoral district at the date of the issue of the writ of election.

(*or at the option of the voter*)

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act, 1951* and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(*No. 7 is to be used if the voter is the holder of a certificate under section 19*)

7. That you are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 29, *amended*.

FORM 28

*The Election Act, 1951**Sections 94, 95 (3)*

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST

You swear (or solemnly affirm):

1. That you are the person having the name of..... in the polling list now shown to you (or where a voter votes under a certificate given under section 85 of *The Election Act, 1951* that you are the person named in the certificate now shown to you).

2. That you are a British subject.

3. That you are not disqualified under *The Election Act, 1951* or otherwise prohibited by law from voting.

4. That you served or are serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.

5. That you are an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational training of persons who have so served or are so serving, or such hospital or institution for the blind or deaf or an eleemosynary institution situated in the electoral district, namely (*naming the hospital, etc., in which the voter is a patient*).

6. That you have not before voted at this election at this or any other polling place.

7. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

8. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 30, *amended*.

FORM 29

*The Election Act, 1951**Sections 94, 95 (3)*

FORM OF OATH OF ALLEGIANCE

I,, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the reigning sovereign for the time being*), his heirs and successors according to law. So help me God.

R.S.O. 1950, c. 112, Form 28, *amended*.

FORM 30

*The Election Act, 1951**Section 100 (1, 2)*

FORM OF OATH OF INABILITY TO READ

I, *A. B.*, of....., swear (*or solemnly affirm*) that I am unable to read [*or that I am from physical incapacity unable to mark a ballot paper (as the case may be)*].

Sworn (<i>or affirmed</i>) before me at the.....of..... this.....day of....., 19..	} <i>A. B. (His X mark)</i>
Having been first read over to the above named <i>A. B.</i> , and signed by him in my presence with his mark.	
..... Deputy Returning Officer	

R.S.O. 1950, c. 112, Form 31.

FORM 31

*The Election Act, 1951**Section 100 (3)*

OATH OF FRIEND OF BLIND VOTER

I,....., of the.....
(*insert name of friend*)
of....., in the County of.....,
....., swear (*or solemnly affirm*) that I will
(*occupation*)
keep secret the name of the candidate for whom I mark the ballot of
....., on whose behalf I act. So help me God.
(*name of blind voter*)

Sworn (<i>or affirmed</i>) before me at the.....of..... this.....day of....., 19..	} <i>Signature of friend</i>
.....	
Deputy Returning Officer	

R.S.O. 1950, c. 112, Form 32.

FORM 32

*The Election Act, 1951**Sections 117 (1), 138*

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

Polling Place No.....

Electoral District of.....

Number of ballot papers received from the re- turning officer		
Number of ballots cast for		
" " " " "		
" " " " "		
" " " " "		
" " " " "		
Number of ballot papers declined (Section 107) ..		
Number of ballot papers taken from polling place (Section 107)		
Number of ballot papers cancelled (Section 109) ..		
Number of ballot papers rejected (Section 114) ..		
Number of ballot papers not used and returned ..		
Totals		

We hereby certify that the above statement is correct.

Dated at.....this.....day of....., 19....

A. B.,
Deputy Returning Officer

C. D.,
Poll Clerk

(Candidates or agents may also sign)

R.S.O. 1950, c. 112, Form 33.

FORM 33

*The Election Act, 1951**Section 117 (3)*

CERTIFICATE TO BE DELIVERED TO CANDIDATES

I, the undersigned, Deputy Returning Officer for Polling Place No. in the of in the Electoral District of, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:

NAMES OF CANDIDATES	NUMBER OF BALLOTS
.....
.....
.....
.....
.....
.....

and also that ballot papers were rejected.

Dated at this day of, 19.....

G. H.,
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 34.

FORM 34

*The Election Act, 1951**Section 118*

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I,, Poll Clerk for Polling Place No. in the Electoral District of, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of *G. H.*, who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed) before me at
the of this
day of, 19.....

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

I. J.,
Poll Clerk

R.S.O. 1950, c. 112, Form 35.

FORM 35

*The Election Act, 1951**Section 120 (1)*OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY
RETURNING OFFICER IS UNABLE TO DELIVER THE
BALLOT BOX TO THE RETURNING OFFICER

I,, swear (or solemnly affirm) that I am the person to whom....., Deputy Returning Officer for Polling Place No.....of the.....of.....in the Electoral District of....., entrusted the ballot box for the said polling place to be delivered to....., the Returning Officer; that the ballot box which I delivered to the Returning Officer this day, is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer. So help me God.

Sworn (or affirmed) before me at
the.....of.....this.....
day of....., 19.....

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 36.

FORM 36

*The Election Act, 1951**Section 120 (3)*

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I,, Deputy Returning Officer for Polling Place No.of the Electoral District of....., swear (or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me, in accordance with the provisions of *The Election Act, 1951*, and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at
the.....of.....this.....
day of....., 19.....

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*)

G. H.,
Deputy Returning Officer

R.S.O. 1950, c. 112, Form 37.

FORM 38

*The Election Act, 1951**Section 146 (4)*AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING
HIS RETURN TO THE CHIEF ELECTION OFFICER

I,, Returning Officer for the Electoral District
of, swear (or solemnly affirm):

1. That, of the packets received by me as such Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.

2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act, 1951*.

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers (or in the case of a recount add, except by the judge of the county court, on a recount).

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Chief Election Officer my return in respect of the said election. So help me God.

Sworn (or affirmed) before me at }
the.....of.....this..... }
day of, 19..... }

Returning Officer

A Commissioner, etc.
(See *The Election Act, 1951, s. 9.*) }

R.S.O. 1950, c. 112, Form 39.

FORM 39

*The Election Act, 1951**Section 162*

OATH OF SECRECY

I,, swear (*or solemnly affirm*):

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at Polling Place No. in the Electoral District of, save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Election Act, 1951*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (*or affirmed*) before me at
the....of.....this.....
day of....., 19.....

A Commissioner, etc.
(*See The Election Act, 1951, s. 9.*)

R.S.O. 1950, c. 112, Form 40.

BILL

The Election Act, 1951

1st Reading

February 28th, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Children's Protection Act

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The amendment is to facilitate the taking down and transcribing of evidence given in proceedings under *The Children's Protection Act*.

SECTION 2. Subsections 1a and 1b are new. They are self-explanatory.

No. 111

1951

BILL

An Act to amend The Children's Protection Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 7 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 53, s. 7, subs. 5, re-enacted.

(5) The evidence of every witness shall be given under oath and shall be taken down and transcribed, Evidence.

(a) where the proceedings are in a juvenile or family court that has a stenographer who is a member of the staff of such court, by a stenographer; and

(b) where the proceedings are not in a juvenile or family court or where the juvenile or family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge.

(5a) Stenographers appointed under clause *b* of subsection 5 shall be allowed the fees for taking down and transcribing evidence prescribed under *The Magistrates Act*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs except in a territorial district where they may be paid out of such moneys as may be appropriated therefor by the Legislature. Fees for transcriptions. Rev. Stat., c. 219.

2. Section 10 of *The Children's Protection Act* is amended by adding thereto the following subsections: Rev. Stat., c. 53, s. 10, amended.

(1a) Where a child who has been committed to the temporary custody and care or the custody or control of a children's aid society has received treatment in a public hospital, the municipality to which the child belongs shall reimburse the children's aid society for the charges of the hospital. Payment of hospital charges.

Provincial
aid.

- (1b) Where a children's aid society has been reimbursed by a municipality under subsection 1a, there may be paid to such municipality, out of such moneys as may be appropriated by the Legislature under subsection 12, 25 per cent of the amount reimbursed in the same manner as provided in subsection 11.

Short title.

3. This Act may be cited as *The Children's Protection Amendment Act, 1951.*



BILL

An Act to amend The Children's
Protection Act

1st Reading

February 28th, 1951

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 111

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Children's Protection Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 111

1951

BILL

An Act to amend The Children's Protection Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 7 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat., c. 53, s. 7, subs. 5, re-enacted.

(5) The evidence of every witness shall be given under Evidence. oath and shall be taken down and transcribed,

(a) where the proceedings are in a juvenile or family court that has a stenographer who is a member of the staff of such court, by a stenographer; and

(b) where the proceedings are not in a juvenile or family court or where the juvenile or family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge.

(5a) Stenographers appointed under clause *b* of subsection 5 shall be allowed the fees for taking down and transcribing evidence prescribed under *The Magistrates Act*, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs except in a territorial district where they may be paid out of such moneys as may be appropriated therefor by the Legislature. Fees for transcriptions. Rev. Stat., c. 219.

2. Section 10 of *The Children's Protection Act* is amended by adding thereto the following subsections: Rev. Stat., c. 53, s. 10, amended.

(1a) Where a child who has been committed to the temporary custody and care or the custody or control of a children's aid society has received treatment in a public hospital, the municipality to which the child belongs shall reimburse the children's aid society for the charges of the hospital. Payment of hospital charges.

Provincial
aid.

(1b) Where a children's aid society has been reimbursed by a municipality under subsection 1a, there may be paid to such municipality, out of such moneys as may be appropriated by the Legislature under subsection 12, 25 per cent of the amount reimbursed in the same manner as provided in subsection 11.

Short title.

3. This Act may be cited as *The Children's Protection Amendment Act, 1951*.

BILL

An Act to amend The Children's
Protection Act

1st Reading

February 28th, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 14th, 1951

Mr. GOODFELLOW

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Mothers' Allowances Act

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1: Subsection 1. The words added will enable municipal councils to appoint more than one person as a local authority for the purposes of this Act, which it may be advisable to do in the large municipalities.

Subsection 2. This clause will cover the ground now covered by subsection 3 of section 2 of the present Act.

SECTION 2. Section 2, which is the basic section of the Act, is redrawn in order to properly accommodate the new provisions which are to be found in clauses *d* and *e* of subsection 1 and in subsections 4 and 5.

No. 112

1951

BILL

An Act to amend The Mothers' Allowances Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act* is amended by inserting after the word "person" in the fifth line the words "or persons", so that the clause shall read as follows: Rev. Stat.,
c. 242, s. 1,
cl. *e*,
amended.

(*e*) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person or persons as the council with the approval of the Minister may appoint;

.

(2) The said section 1 is further amended by adding thereto the following clause: Rev. Stat.,
c. 242, s. 1,
amended.

(*gg*) "mother" includes a woman who in the opinion of the Commission is a suitable foster mother and a person who acts as trustee for an applicant or beneficiary pursuant to the regulations;

.

2. Section 2 of *The Mothers' Allowances Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 242, s. 2,
re-enacted.

2.—(1) Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of one or more of her children who are under sixteen years of age and who reside with her in circumstances in which they would not be cared for properly without the assistance of an allowance, a Where allow-
ance may be
paid.

- (a) if she is a widow;
- (b) if her husband has deserted her and has not been heard of for at least one year;
- (c) if her husband is permanently unemployable; or
- (d) if she has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance or if made, the father has failed to carry out his obligations and has not been heard of for at least one year,

but in no such case shall an allowance be paid,

- (e) unless the mother resided in Ontario at the time she made the application for an allowance and had then been resident therein for at least one year;
- (f) unless the mother continues to reside in Ontario with her dependent children; and
- (g) unless the mother is in the opinion of the Commission a suitable person to receive an allowance.

Allowance
for unem-
ployable
husband.

- (2) Where a mother qualifies for an allowance under clause *c* of subsection 1, an additional allowance may be paid in respect of the husband in the same amount and manner as though the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when the youngest child becomes sixteen years of age.

Reaching
16 during
school year.

- (3) Where a child in respect of whom an allowance is being paid is attending school and becomes sixteen years of age during the school year, the allowance shall, subject to this Act and the regulations and unless the child sooner ceases to attend school, continue to be paid until the conclusion of the school year.

Schooling
after 16.

- (4) In cases presenting special circumstances and in which the Commission is satisfied that the progress in school of a child in respect of which an allowance is being paid justifies the continuance of the allowance beyond the limits prescribed by this section,

the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age.

- (5) In cases presenting special circumstances and in which the Commission is satisfied that a child in respect of whom an allowance is being paid has a mental or physical disability which justifies the continuance of the allowance beyond the limits prescribed by this section, the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age. Mental or
physical
disability.
- (6) In cases presenting special circumstances and in which investigation has shown the advisability of an allowance being granted in respect of children dependent upon a mother who is not strictly eligible for an allowance under the terms of this section, the Lieutenant-Governor in Council may nevertheless direct the payment of an allowance to such mother and fix the amount thereof. Special
cases.

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1951.* Short title.



BILL

An Act to amend 'The Mothers'
Allowances Act

1st Reading

February 28th, 1951

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 112

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Mothers' Allowances Act

MR. GOODFELLOW



No. 112

1951

BILL

An Act to amend The Mothers' Allowances Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act* is amended by inserting after the word "person" in the fifth line the words "or persons", so that the clause shall read as follows: Rev. Stat.,
c. 242, s. 1,
cl. *e*,
amended.

(*e*) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person or persons as the council with the approval of the Minister may appoint;

.

(2) The said section 1 is further amended by adding thereto the following clause: Rev. Stat.,
c. 242, s. 1,
amended.

(*gg*) "mother" includes a woman who in the opinion of the Commission is a suitable foster mother and a person who acts as trustee for an applicant or beneficiary pursuant to the regulations;

.

2. Section 2 of *The Mothers' Allowances Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 242, s. 2,
re-enacted.

2.—(1) Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of one or more of her children who are under sixteen years of age and who reside with her in circumstances in which they would not be cared for properly without the assistance of an allowance, Where allow-
ance may be
paid.

- (a) if she is a widow;
- (b) if her husband has deserted her and has not been heard of for at least one year;
- (c) if her husband is permanently unemployable; or
- (d) if she has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance or if made, the father has failed to carry out his obligations and has not been heard of for at least one year,

but in no such case shall an allowance be paid,

- (e) unless the mother resided in Ontario at the time she made the application for an allowance and had then been resident therein for at least one year;
- (f) unless the mother continues to reside in Ontario with her dependent children; and
- (g) unless the mother is in the opinion of the Commission a suitable person to receive an allowance.

Allowance
for unem-
ployable
husband.

- (2) Where a mother qualifies for an allowance under clause *c* of subsection 1, an additional allowance may be paid in respect of the husband in the same amount and manner as though the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when the youngest child becomes sixteen years of age.

Reaching
16 during
school year.

- (3) Where a child in respect of whom an allowance is being paid is attending school and becomes sixteen years of age during the school year, the allowance shall, subject to this Act and the regulations and unless the child sooner ceases to attend school, continue to be paid until the conclusion of the school year.

Schooling
after 16.

- (4) In cases presenting special circumstances and in which the Commission is satisfied that the progress in school of a child in respect of which an allowance is being paid justifies the continuance of the allowance beyond the limits prescribed by this section,

the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age.

- (5) In cases presenting special circumstances and in which the Commission is satisfied that a child in respect of whom an allowance is being paid has a mental or physical disability which justifies the continuance of the allowance beyond the limits prescribed by this section, the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age.

- (6) In cases presenting special circumstances and in which investigation has shown the advisability of an allowance being granted in respect of children dependent upon a mother who is not strictly eligible for an allowance under the terms of this section, the Lieutenant-Governor in Council may nevertheless direct the payment of an allowance to such mother and fix the amount thereof.

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1951*. Short title.



BILL

An Act to amend 'The Mothers'
Allowances Act

1st Reading

February 28th, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 14th, 1951

MR. GOODFELLOW

No. 113

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Unemployment Relief Act

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Section 11 of *The Unemployment Relief Act* is re-drawn in order to bring it into accord with the present administrative practices.

BILL

An Act to amend The Unemployment Relief Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Unemployment Relief Act* is repealed and the following substituted therefor: Rev. Stat., c. 403, s. 11, re-enacted.

11.—(1) In this section, "person" includes a family consisting of the members of one household. Interpretation.

(2) For the purposes of this Act, a person shall be deemed to reside in the municipality or district in which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor. Residence defined.

(3) Notwithstanding subsection 2, where a person who has not resided in Ontario for a period of twelve consecutive months is granted direct relief by a municipality in Ontario; that municipality shall be entitled to be reimbursed by the Province for the full amount authorized by the regulations to be expended for his relief until he has resided in the municipality for a period of twelve consecutive months. Reimbursement of municipality for relief of new residents.

(4) Notwithstanding subsection 2, where a person has not resided in any municipality or district in Ontario for a period of twelve consecutive months and is to be returned to his former place of residence outside of Ontario, the municipality or district in which he resides when he applies for direct relief shall be deemed to be the municipality or district in which he resides for the purposes of this Act. Responsibility for relief of temporary residents.

(5) Where a person in receipt of direct relief moves from one municipality or district in Ontario to another, the municipality or district from which he moves Responsibility for relief of persons who move from one municipality to another.

shall be liable for his direct relief until he has resided for twelve consecutive months in the municipality or district to which he has moved, and such twelve consecutive months shall, except where he or either of his parents is in receipt of a pension under *The Old Age Pensions Act* or is a beneficiary under *The Mothers' Allowances Act*, be computed from the day he commences to support himself by gainful employment.

Rev. Stat.,
cc. 258; 242.

Recovery by
one municipality
from
another.

- (6) Where a person has moved from one municipality or district in Ontario to another as provided in subsection 5, the latter may claim from the former, in any court of competent jurisdiction, any sums expended by it for his direct relief before he established residence in the latter, but the sums so recoverable shall not include any amounts that the latter has received or is entitled to receive from any source other than its own taxation.

Responsi-
bility for
relief of
persons who
are moved
from unor-
ganized
territory to
a municipi-
pality.

- (7) If a person in receipt of direct relief is moved by a provincial welfare supervisor from territory without municipal organization to a municipality under an agreement with the municipality, he shall, for the purposes of this Act, be deemed to continue to reside in the territory without municipal organization from which he was moved.

Computation
of periods
of time.

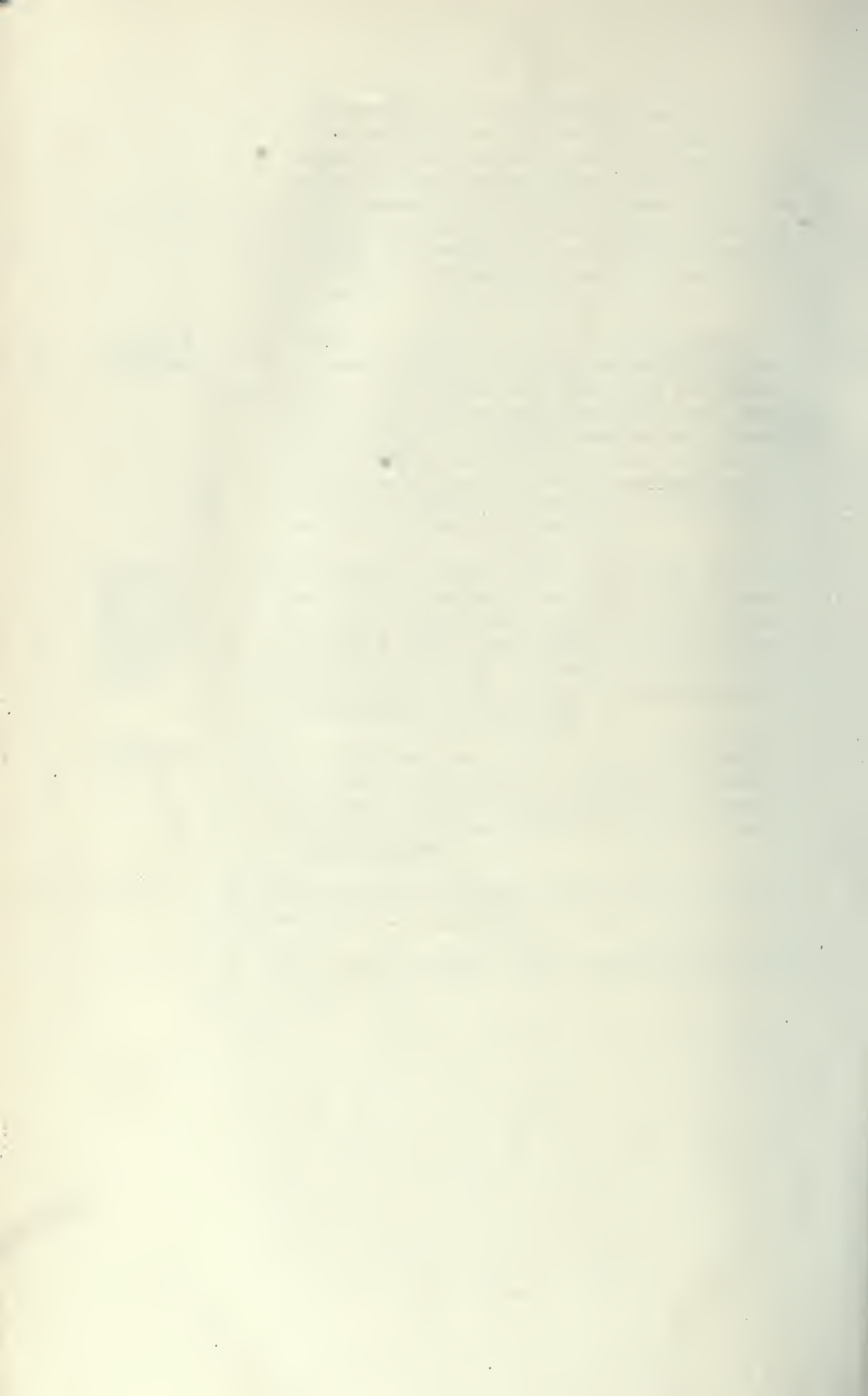
- (8) In computing periods of time under this section, any period of time spent by a person as an inmate of a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be included.

Commence-
ment.

- 2.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 3.** This Act may be cited as *The Unemployment Relief Amendment Act, 1951*.



BILL

An Act to amend The Unemployment
Relief Act

1st Reading

March 1st, 1951

2nd Reading

3rd Reading

MR. GOODFELLOW

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Unemployment Relief Act

MR. GOODFELLOW

THE UNIVERSITY OF CHICAGO

LIBRARY

1911

No. 113

1951

BILL

An Act to amend The Unemployment Relief Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Unemployment Relief Act* is repealed and the following substituted therefor: Rev. Stat., c. 403, s. 11, re-enacted.

11.—(1) In this section, "person" includes a family consisting of the members of one household. Interpretation.

(2) For the purposes of this Act, a person shall be deemed to reside in the municipality or district in which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor. Residence defined.

(3) Notwithstanding subsection 2, where a person who has not resided in Ontario for a period of twelve consecutive months is granted direct relief by a municipality in Ontario, that municipality shall be entitled to be reimbursed by the Province for the full amount authorized by the regulations to be expended for his relief until he has resided in the municipality for a period of twelve consecutive months. Reimbursement of municipality for relief of new residents.

(4) Notwithstanding subsection 2, where a person has not resided in any municipality or district in Ontario for a period of twelve consecutive months and is to be returned to his former place of residence outside of Ontario, the municipality or district in which he resides when he applies for direct relief shall be deemed to be the municipality or district in which he resides for the purposes of this Act. Responsibility for relief of temporary residents.

(5) Where a person in receipt of direct relief moves from one municipality or district in Ontario to another, the municipality or district from which he moves Responsibility for relief of persons who move from one municipality to another.

Rev. Stat.,
cc. 258; 242.

shall be liable for his direct relief until he has resided for twelve consecutive months in the municipality or district to which he has moved, and such twelve consecutive months shall, except where he or either of his parents is in receipt of a pension under *The Old Age Pensions Act* or is a beneficiary under *The Mothers' Allowances Act*, be computed from the day he commences to support himself by gainful employment.

Recovery by
one municipality
from
another.

- (6) Where a person has moved from one municipality or district in Ontario to another as provided in subsection 5, the latter may claim from the former, in any court of competent jurisdiction, any sums expended by it for his direct relief before he established residence in the latter, but the sums so recoverable shall not include any amounts that the latter has received or is entitled to receive from any source other than its own taxation.

Responsi-
bility for
relief of
persons who
are moved
from unor-
ganized
territory to
a municipa-
lity.

- (7) If a person in receipt of direct relief is moved by a provincial welfare supervisor from territory without municipal organization to a municipality under an agreement with the municipality, he shall, for the purposes of this Act, be deemed to continue to reside in the territory without municipal organization from which he was moved.

Computation
of periods
of time.

- (8) In computing periods of time under this section, any period of time spent by a person as an inmate of a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be included.

Commence-
ment.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Unemployment Relief Amendment Act, 1951*.



BILL

An Act to amend The Unemployment
Relief Act

1st Reading

March 1st, 1951

2nd Reading

March 6th, 1951

3rd Reading

March 14th, 1951

MR. GOODFELLOW

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

At Act to amend The Oleomargarine Act

MR. KENNEDY

EXPLANATORY NOTES

SECTIONS 1 and 2. Self-explanatory.

BILL

An Act to amend The Oleomargarine Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Oleomargarine Act* is amended by adding at the end thereof the words "and that is manufactured wholly or in part from any fat or oil other than that of milk", so that the clause shall read as follows: Rev. Stat., c. 259, s. 1, cl. a, amended.

(a) "oleomargarine" means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter and that is manufactured wholly or in part from any fat or oil other than that of milk.

2. *The Oleomargarine Act* is amended by adding thereto the following sections: Rev. Stat., c. 259, amended.

6a.—(1) No person shall make a misleading claim with respect to oleomargarine, either by word or design, in an advertisement or on a package in which oleomargarine is contained. Misleading advertising.

(2) No advertisement respecting oleomargarine and no package containing oleomargarine, Reference to dairy product in advertisement.

(a) shall state or imply that oleomargarine has a relation to any dairy product other than skim milk; or

(b) shall depict a dairy scene.

6b.—(1) The Lieutenant-Governor in Council may appoint such inspectors and analysts as he may deem necessary for the administration and enforcement of this Act and the regulations. Inspectors and analysts.

(2) No person shall obstruct any inspector in the performance of his duties or furnish any inspector with false information. Obstruction of inspectors.

Rev. Stat.,
c. 259, s. 7,
cls. b, c,
re-enacted.

3. Clauses *b* and *c* of section 7 of *The Oleomargarine Act* are repealed and the following substituted therefor:

- (b) prescribing standards of quality for and the composition of oleomargarine;
- (c) providing for the detention and confiscation of oleomargarine which does not comply with the provisions of this Act and the regulations;
- (d) prescribing the powers and duties of inspectors;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title.

4. This Act may be cited as *The Oleomargarine Amendment Act, 1951*.

SECTION 3. The amendments provide that regulations may be made providing for the composition of oleomargarine and the detention and confiscation of oleomargarine that does not comply with the Act. Clause *d* is complementary to the new section 6*b* as set out in section 2 of the Bill.



BILL

An Act to amend The Oleomargarine Act

1st Reading

March 5th, 1951

2nd Reading

3rd Reading

MR. KENNEDY

No. 114

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Oleomargarine Act

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Oleomargarine Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Oleomargarine Act* is amended by adding at the end thereof the words "and that is manufactured wholly or in part from any fat or oil other than that of milk", so that the clause shall read as follows:

Rev. Stat.,
c. 259, s. 1,
cl. *a*,
amended.

- (*a*) "oleomargarine" means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter and that is manufactured wholly or in part from any fat or oil other than that of milk.

2. *The Oleomargarine Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 259,
amended.

6*a*.—(1) No person shall make a misleading claim with respect to oleomargarine, either by word or design, in an advertisement or on a package in which oleomargarine is contained.

Misleading
advertising.

(2) No advertisement respecting oleomargarine and no package containing oleomargarine,

Reference to
dairy product in
advertisement.

(*a*) shall state or imply that oleomargarine has a relation to any dairy product; or

(*b*) shall depict a dairy scene.

6*b*.—(1) The Lieutenant-Governor in Council may appoint such inspectors and analysts as he may deem necessary for the administration and enforcement of this Act and the regulations.

Inspectors
and
analysts.

(2) No person shall obstruct any inspector in the performance of his duties or furnish any inspector with false information.

Obstruction
of inspectors.

Rev. Stat.,
c. 259, s. 7,
cls. b, c,
re-enacted.

3. Clauses *b* and *c* of section 7 of *The Oleomargarine Act* are repealed and the following substituted therefor:

- (*b*) prescribing standards of quality for and the composition of oleomargarine;
- (*c*) providing for the detention and confiscation of oleomargarine which does not comply with the provisions of this Act and the regulations;
- (*d*) prescribing the powers and duties of inspectors;
- (*e*) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title.

4. This Act may be cited as *The Oleomargarine Amendment Act, 1951*.



An Act to amend The Oleomargarine Act

1st Reading

March 5th, 1951

2nd Reading

March 19th, 1951

3rd Reading

April 2nd, 1951

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Milk Control Act

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. At present the Milk Control Board has general power to refuse to issue licences in its discretion. The amendment sets out the cases in which the Board may refuse a licence.

SECTION 2. When collective bargaining between producers, processors, distributors, etc., breaks down, a board of arbitration is constituted. It is composed of three members—one representative of each party and a county judge appointed by the Minister of Agriculture, as chairman. The amendment substitutes a sole arbitrator, appointed by the Minister, who must be a county judge.

SECTION 3. Self-explanatory.

No. 115

1951

BILL

An Act to amend The Milk Control Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 5 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 5, cl. g, re-enacted.

(g) refuse to grant a licence where the applicant is not qualified by financial responsibility and equipment to properly conduct the proposed business.

2. Section 8 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 8, re-enacted.

8.—(1) When collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the representatives of the other party, require all matters in dispute to be referred to an arbitrator who shall be appointed by the Minister and shall be a judge of a county or district court. Failure to agree, arbitration.

(2) Each of the parties to the arbitration shall assume its own costs of the arbitration proceedings. Costs.

3. Subsection 1 of section 11 of *The Milk Control Act* is amended by inserting after the word "producers" in the third line the words "or the marketing agency", so that the subsection shall read as follows: Rev. Stat., c. 233, s. 11, subs. 1, amended.

(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices determined by the agreement or award, where additional milk required.

failing which the processors or distributors may obtain the additional milk required as they see fit.

Rev. Stat.,
c. 233, s. 14,
repealed.

4. Section 14 of *The Milk Control Act* is repealed.

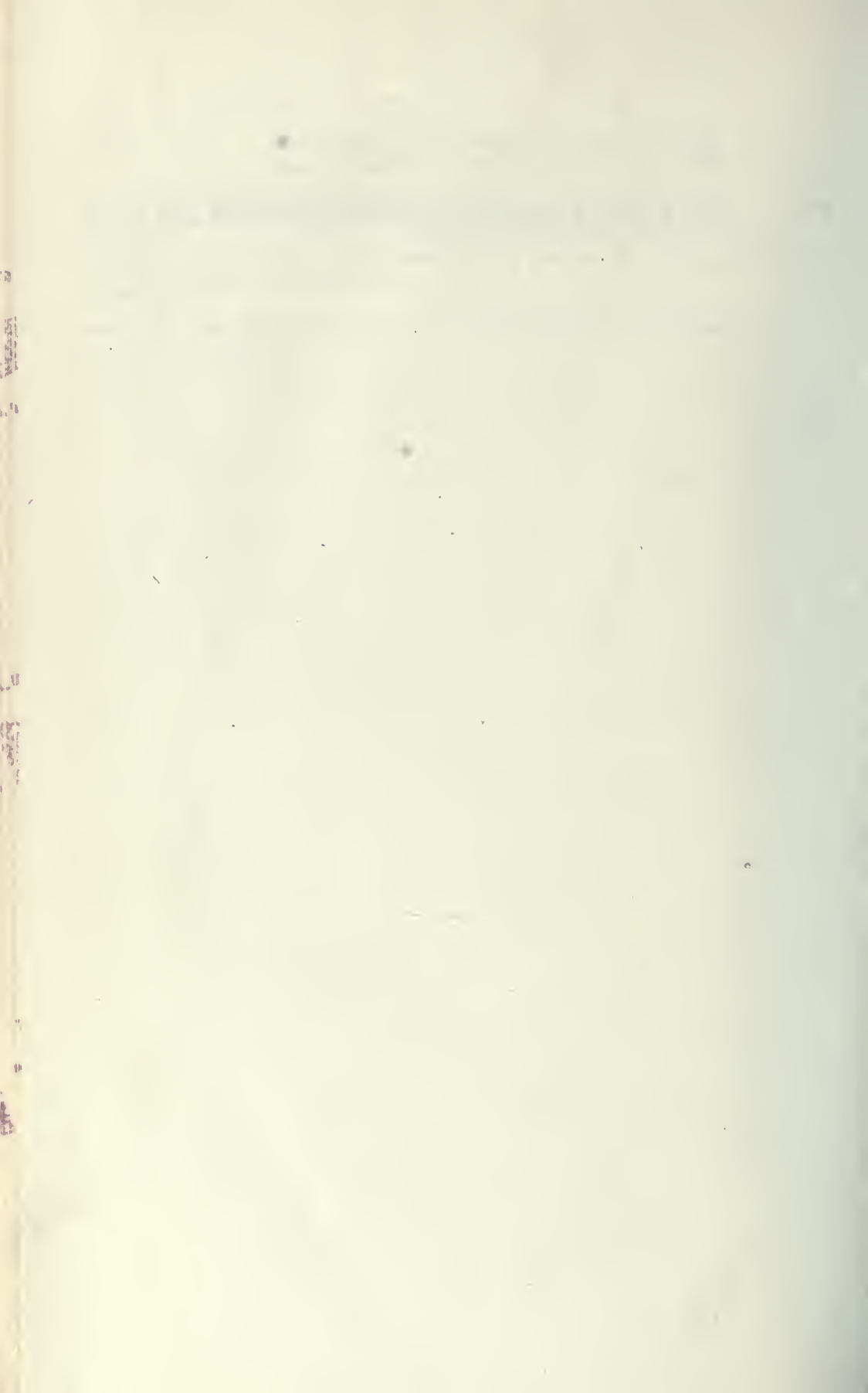
Rev. Stat.,
c. 233, s. 15,
subs. 1, cl. b,
repealed.

5. Clause *b* of subsection 1 of section 15 of *The Milk Control Act* is repealed.

Short title.

6. This Act may be cited as *The Milk Control Amendment Act, 1951*.

SECTIONS 4 and 5. At present the licences issued to distributors may specify the areas in which distributors may operate. The provisions dealing with distribution areas are repealed.



BILL

An Act to amend The Milk Control Act

1st Reading

March 5th, 1951

2nd Reading

3rd Reading

MR. KENNEDY

1951

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Farm Products Marketing Act

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. The Act at present includes wholesalers but does not include a person who operates a central warehouse separate from his retail outlets. The amendment brings such person within the Act.

SECTION 2—Subsection 1. The amendment clarifies the powers of negotiating committees by setting them out more fully in the Act.

Subsection 2. The amendments give to the Farm Products Marketing Board the powers included in the new clauses.

BILL

An Act to amend The Farm Products Marketing Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Farm Products Marketing Act* is amended by adding at the end thereof the words "except where the buying is done by a central organization and the selling by retail is done through more than one outlet", so that the clause shall read as follows:

Rev. Stat.,
c. 131, s. 1,
cl. *e*,
amended.

- (*e*) "marketing" includes advertising, buying, financing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than one outlet.

2.—(1) Clause *d* of subsection 1 of section 3 of *The Farm Products Marketing Act* is amended by inserting after the word "prices" in the third line the words "conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges", so that the clause shall read as follows:

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. *d*,
amended.

- (*d*) to establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices, conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges for any regulated product or any class, variety, grade or size of a regulated product.

(2) Subsection 1 of the said section 3 is further amended by adding thereto the following clauses:

Rev. Stat.,
c. 131, s. 3,
subs. 1,
amended.

- (*o*) to exercise such powers and perform such duties as may be vested in or imposed upon it by or under any Act of the Parliament of Canada;

- (p) to co-operate with a marketing board or a local board of any other province for the purpose of marketing any regulated product.

Rev. Stat.,
c. 131, s. 4,
subs. 2,
amended.

3. Subsection 2 of section 4 of *The Farm Products Marketing Act* is amended by striking out the word "and" at the end of clause *a* and by adding thereto the following clauses:

powers of
local boards;
Rev. Stat.,
c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution
of local
boards.

- (d) dissolve a local board on such terms and conditions as he may deem proper;

so that the subsection shall read as follows:

Schemes,

- (2) The Lieutenant-Governor in Council may,

approval;

- (a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof;

amend;

- (b) amend any approved scheme as he may deem proper;

powers of
local boards;
Rev. Stat.,
c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution of
local boards.

- (d) dissolve a local board on such terms and conditions as he may deem proper.

Rev. Stat.,
c. 131, s. 7,
subs. 1, cl. g,
repealed.

4. Clause *g* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed.

Commence-
ment.

5. This Act shall come into force on the day it receives the Royal Assent.

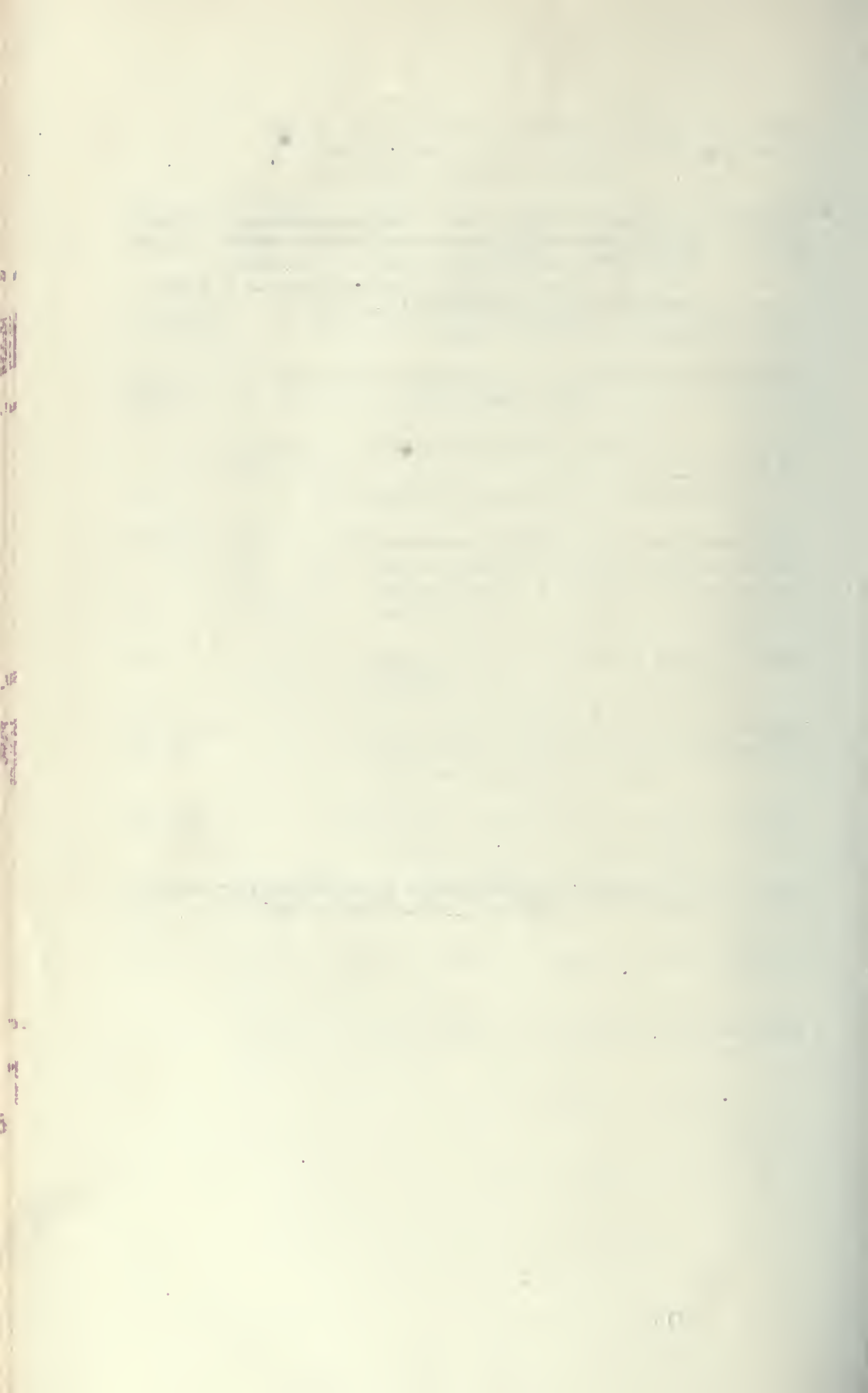
Short title.

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1951*.

SECTION 3. The new clause *c* enables the Lieutenant-Governor in Council to grant ancillary powers to local boards in order that they may properly operate a scheme.

The new clause *d* enables the Lieutenant-Governor in Council to dissolve and wind up the affairs of a local board.

SECTION 4. As similar provisions to those in clause *g* have been held unconstitutional in other jurisdictions, clause *g* is repealed.



BILL

An Act to amend The Farm Products
Marketing Act

1st Reading

March 5th, 1951

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Farm Products Marketing Act

MR. KENNEDY

*(Reprinted as amended by the Committee on
Agriculture and Colonization)*

EXPLANATORY NOTES

SECTION 1. The Act at present includes wholesalers but does not include a person who operates a central warehouse separate from his retail outlets. The amendment brings such person within the Act.

SECTION 2—Subsection 1. The amendment clarifies the powers of negotiating committees by setting them out more fully in the Act.

Subsection 2. The amendments give to the Farm Products Marketing Board the powers included in the new clauses.

No. 116

1951

BILL

An Act to amend The Farm Products Marketing Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Farm Products Marketing Act* is amended by adding at the end thereof the words "except where the buying is done by a central organization and the selling by retail is done through more than five outlets", so that the clause shall read as follows:

- (e) "marketing" includes advertising, buying, financing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.

2.—(1) Clause *d* of subsection 1 of section 3 of *The Farm Products Marketing Act* is amended by inserting after the word "prices" in the third line the words "conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges", so that the clause shall read as follows:

- (d) to establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices, conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges for any regulated product or any class, variety, grade or size of a regulated product.

(2) Subsection 1 of the said section 3 is further amended by adding thereto the following clauses:

- (ff) to authorize any marketing agency appointed under a scheme to pool the payments to the members of the scheme received from the sale of any regulated

product, provided that the members of the scheme engaged in the producing of the regulated product, by a two-thirds majority on a vote by signed ballot, have requested such authorization;

- (ll) to regulate the times and places at which tobacco shall be marketed, to determine the quantity, grade and class of tobacco that shall be marketed by each grower and to prohibit the marketing of any grade or class of tobacco;

- (o) to exercise such powers and perform such duties as may be vested in or imposed upon it by or under any Act of the Parliament of Canada;

- (p) to co-operate with a marketing board or a local board of any other province for the purpose of marketing any regulated product.

Rev. Stat.,
c. 131, s. 4,
subs. 2,
amended.

3. Subsection 2 of section 4 of *The Farm Products Marketing Act* is amended by striking out the word "and" at the end of clause *a* and by adding thereto the following clauses:

powers of
local boards;
Rev. Stat.,
c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution
of local
boards.

- (d) dissolve a local board on such terms and conditions as he may deem proper,

so that the subsection shall read as follows:

Schemes,

- (2) The Lieutenant-Governor in Council may,

approval;

- (a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof;

amend;

- (b) amend any approved scheme as he may deem proper;

powers of
local boards;

Rev. Stat.,
c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution of
local boards.

- (d) dissolve a local board on such terms and conditions as he may deem proper.

Rev. Stat.,
c. 131, s. 7,
subs. 1, cl. 2,
repealed.

4. Clause *g* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed.

SECTION 3. The new clause *c* enables the Lieutenant-Governor in Council to grant ancillary powers to local boards in order that they may properly operate a scheme.

The new clause *d* enables the Lieutenant-Governor in Council to dissolve and wind up the affairs of a local board.

SECTION 4. As similar provisions to those in clause *g* have been held unconstitutional in other jurisdictions, clause *g* is repealed.

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5. This Act shall come into force on the day it receives the Royal Assent. <sup>Commence-
ment.</sup>

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1951*. ^{Short title.}

An Act to amend The Farm Products
Marketing Act

1st Reading

March 5th, 1951

2nd Reading

3rd Reading

MR. KENNEDY

(*Reprinted as amended by the Committee
on Agriculture and Colonization*)

No. 116

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Farm Products Marketing Act

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

IN FAVOR OF THE FARMERS' AND MERCHANTS' ASSOCIATION

1874

OFFICE OF THE
COMMISSIONER OF THE LAND OFFICE
WASHINGTON, D. C.

No. 116

1951

BILL

An Act to amend The Farm Products Marketing Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Farm Products Marketing Act* is amended by adding at the end thereof the words "except where the buying is done by a central organization and the selling by retail is done through more than five outlets", so that the clause shall read as follows:

Rev. Stat.,
c. 131, s. 1,
cl. *e*,
amended.

- (*e*) "marketing" includes advertising, buying, financing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.

2.—(1) Clause *d* of subsection 1 of section 3 of *The Farm Products Marketing Act* is amended by inserting after the word "prices" in the third line the words "conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges", so that the clause shall read as follows:

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. *d*,
amended.

- (*d*) to establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices, conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges for any regulated product or any class, variety, grade or size of a regulated product.

(2) Subsection 1 of the said section 3 is further amended by adding thereto the following clauses:

Rev. Stat.,
c. 131, s. 3,
subs. 1,
amended.

- (*ff*) to authorize any marketing agency appointed under a scheme to pool the payments to the members of the scheme received from the sale of any regulated

product, provided that the members of the scheme engaged in the producing of the regulated product, by a two-thirds majority on a vote by signed ballot, have requested such authorization;

(ll) to regulate the times and places at which tobacco shall be marketed, to determine the quantity, grade and class of tobacco that shall be marketed by each grower and to prohibit the marketing of any grade or class of tobacco;

(o) to exercise such powers and perform such duties as may be vested in or imposed upon it by or under any Act of the Parliament of Canada;

(p) to co-operate with a marketing board or a local board of any other province for the purpose of marketing any regulated product.

Rev. Stat.,
c. 131, s. 4,
subs. 2,
amended.

3. Subsection 2 of section 4 of *The Farm Products Marketing Act* is amended by striking out the word "and" at the end of clause *a* and by adding thereto the following clauses:

powers of
local boards;
Rev. Stat.,
c. 59.

(c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution
of local
boards.

(d) dissolve a local board on such terms and conditions as he may deem proper,

so that the subsection shall read as follows:

Schemes,

(2) The Lieutenant-Governor in Council may,

approval;

(a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof;

amend;

(b) amend any approved scheme as he may deem proper;

powers of
local boards;
Rev. Stat.,
c. 59.

(c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and

dissolution of
local boards.

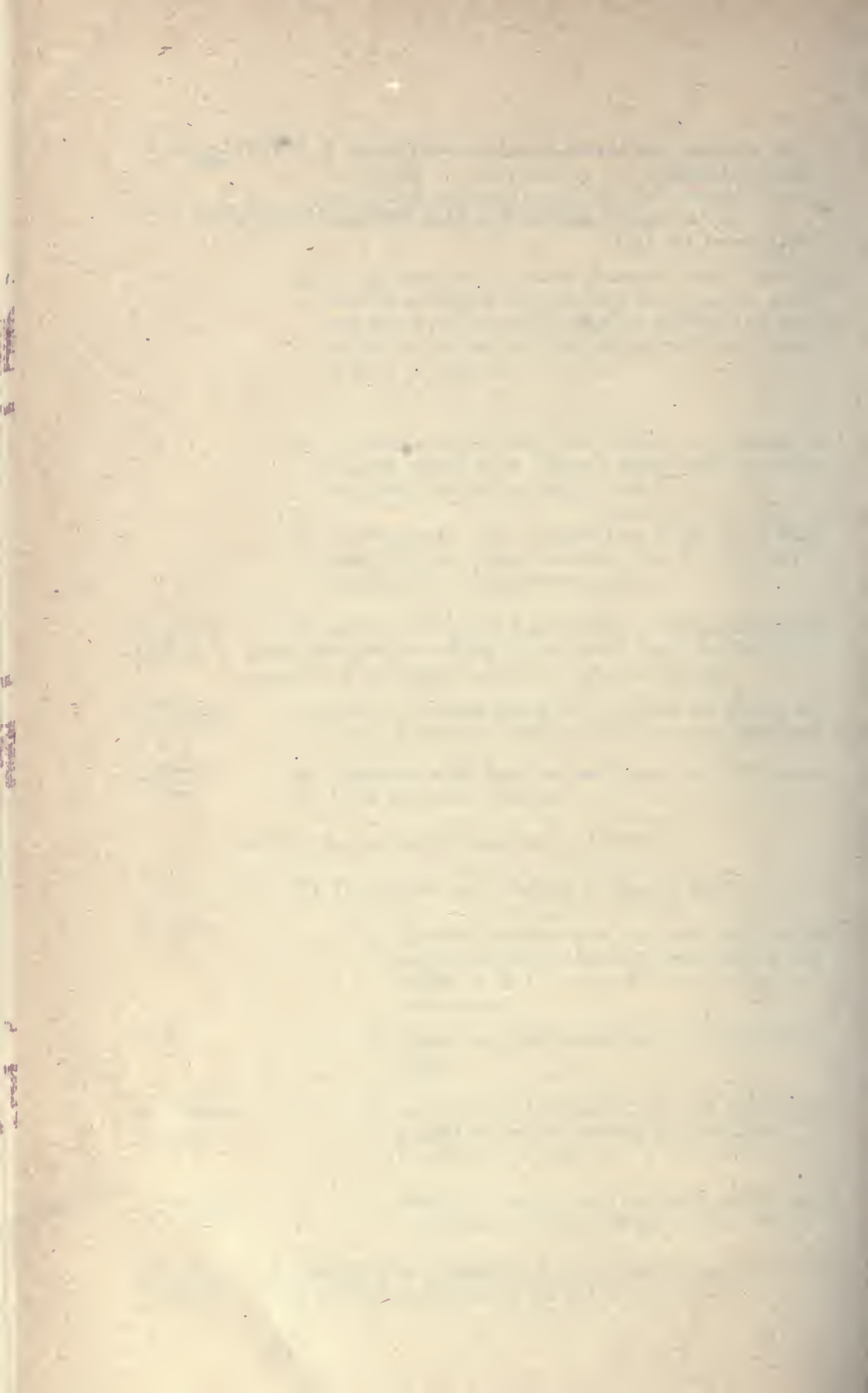
(d) dissolve a local board on such terms and conditions as he may deem proper.

Rev. Stat.,
c. 131, s. 7,
subs. 1, cl. g,
repealed.

4. Clause *g* of subsection 1 of section 7 of *The Farm Products Marketing Act* is repealed.

5. This Act shall come into force on the day it receives Commence-
the Royal Assent. ment.

6. This Act may be cited as *The Farm Products Marketing* Short title.
Amendment Act, 1951.



An Act to amend The Farm Products
Marketing Act

1st Reading

March 5th, 1951

2nd Reading

April 2nd, 1951

3rd Reading

April 5th, 1951

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Power Commission Act

MR. CHALLIES

EXPLANATORY NOTE

SECTION 1. This section, which provides for the application of sinking fund moneys, is broadened in order to facilitate financing.

SECTION 2. This section will enable local hydro commissions to effect frequency conversion at the expense of the Provincial Commission in the same manner as if the Provincial Commission were doing the work itself.

BILL

An Act to amend The Power Commission Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 18 of *The Power Commission Act* is amended by striking out the words "as provided in section 49" in the second and third lines, so that the clause shall read as follows: Rev. Stat., c. 281, s. 18, cl. *a*, amended.

(a) towards repayment of advances made by the Province of Ontario to the Commission and towards the retirement of other indebtedness incurred or assumed by the Commission.

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 281, amended.

26a.—(1) The powers of the Commission under clause *b* of section 26 with respect to the electrical equipment, apparatus, appliances, devices and works of any person to whom a municipal corporation or municipal commission supplies electrical power or energy which is supplied to it by the Commission may, with the assent of the Commission, be exercised by the municipal corporation or municipal commission. Frequency standardization by municipalities.

(2) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* of section 26, the Commission may bear the expense thereof. Where Commission may bear cost.

(3) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of electrical equipment, apparatus, appliances, devices or works other than those mentioned in clause *d* of section 26, such Where cost may be apportioned.

portion of the expense as the Commission could have charged to and collected from owners of the electrical equipment, apparatus, appliances, devices or works if the Commission had exercised the powers itself, may, with the assent of the Commission, be charged to and collected from the owners by the municipal corporation or municipal commission and the balance borne by the Commission.

Rev. Stat.,
c. 281, s. 41,
amended.

3. Section 41 of *The Power Commission Act* is amended by inserting after the word "Act" in the first line the words "or by" *The Niagara Development Act, 1951*", so that the section shall read as follows:

Extent of
powers of
expropria-
tion.

1951, c. . . .

41. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily, and notwithstanding and regardless of the origin, nature and source of the owner's title thereto, and of the manner whereby it was acquired by the owner or any of his predecessors in title.

Rev. Stat.,
c. 281, s. 46,
amended.

4. Section 46 of *The Power Commission Act* is amended by striking out all the words after the word "Act" in the fourth line and inserting in lieu thereof the words "and of *The Niagara Development Act, 1951*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act", so that the section shall read as follows:

Government
authorized
to raise
funds for
work of
Commis-
sion.
Rev. Stat.,
c. 299.

1951, c. . . .

46. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

Rev. Stat.,
c. 281, s. 49,
subs. 1,
amended.

5. Subsection 1 of section 49 of *The Power Commission Act* is amended by inserting after the word "Commission" in the first line the words "before the 1st day of January, 1951", so that the subsection, exclusive of the schedule, shall read as follows:

SECTIONS 3 and 4. Self explanatory.

SECTION 5. The group of advances which must be paid off in accordance with the subsection is closed as of January 1st, 1951, so that advances made hereafter to the Commission will not be included in this group.

SECTION 6. This amendment is similar in principle to that made by section 5 of this Bill.

SECTION 7. This provision is new. It is self explanatory.

- (1) The advances received by the Commission before the 1st day of January, 1951, under the authority of sections 46, 47 and 48 shall be repayable as follows:

Repayment
of advances
made before
1st January,
1951.

.

6. Section 50 of *The Power Commission Act* is amended by inserting after the word "Commission" in the first line the words "in respect of advances received by it before the 1st day of January, 1951", so that the section shall read as follows:

Rev. Stat.,
c. 281, s. 50,
amended.

50. The Commission in respect of advances received by it before the 1st day of January, 1951, shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province, such sum as may be from time to time determined by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money.

Payment to
Province of
interest and
charges in
respect of
advances
made before
1st January,
1951.

7. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 281,
amended.

- 50a. All advances made by the Province to the Commission after the 1st day of January, 1951, shall be made on such terms and conditions as may be agreed upon between the Commission and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Commission in consideration of any advance, may,

Advances
to be made
on terms and
conditions
agreed upon.

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Commission for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province issued for the purpose of raising the moneys advanced by the Province to the Commission, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario may approve; and

- (b) agree to reimburse the Province all charges and expenses incurred or to be incurred by the Province in connection with the creation and issue of such debentures or other securities of the Province and the payment from time to time of the interest thereon and of the principal thereof whether at maturity or on redemption prior to maturity and of the amount of the premium, if any, on redemption, and such other charges and expenses as the Province may incur.

Rev. Stat.,
c. 281, s. 51,
subs. 2,
amended.

8.—(1) Subsection 2 of section 51 of *The Power Commission Act* is amended by adding thereto the following clause:

- (aa) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission.

Rev. Stat.,
c. 281, s. 51,
subs. 2,
cl. e,
amended.

(2) Clause e of subsection 2 of the said section 51 is amended by inserting after the figures "59" in the fourth line the words "or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951*", so that the clause shall read as follows:

- (e) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of works referred to in section 59 or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951*, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. ...

Rev. Stat.,
c. 281, s. 66,
amended.

9. Section 66 of *The Power Commission Act* is amended by adding thereto the following subsection:

Areas fixed
as of May 1,
1951.

- (12) Notwithstanding anything in this section, no areas shall be established nor the boundaries of any established area enlarged or altered after the 1st day of May, 1951.

Rev. Stat.,
c. 281, s. 107,
re-enacted.

10. Section 107 of *The Power Commission Act* is repealed and the following substituted therefor:

SECTION 8. Subsection 2 of section 51 of the Act sets out the purposes for which the Commission may borrow money. These powers are extended in the manner indicated in the two amendments.

SECTION 9. The new provision applies to what are commonly called "voted areas", i.e., where power is delivered in townships on the same basis as it is in urban communities.

SECTION 10. This section of the Act is re-enacted in order to bring it up to date. The provisions now substituted are self explanatory.

SECTION 11. Section 111 of the Act states what a local hydro commission may do with its current surplus funds. At the present time it may invest such funds with the approval of the Commission "in the purchase of such marketable securities and on such terms as the Commission may approve".

The amendment will simplify administration.

- 107.—(1) Subject to subsections 2, 3 and 7, every municipal corporation and municipal commission supplied with electrical power or energy by the Commission shall maintain insurance against liability for bodily injury and property damage arising from the operation of an electrical utility in such amount and upon such terms as the Commission directs. Insurance by municipalities.
- (2) A municipal corporation or municipal commission may, with the approval of the Commission, establish in lieu of such insurance a fund sufficient in the opinion of the Commission to protect the municipal corporation or municipal commission against the liability and thereupon it shall not be necessary for it to comply with subsection 1. Insurance fund.
- (3) If a municipal corporation or municipal commission is in schedule 1 of the regulations made under *The Workmen's Compensation Act* and is paying assessments to the Workmen's Compensation Board, it shall not be necessary for it to maintain insurance against liability for bodily injury to its employees. Where insurance not necessary. Rev. Stat., c. 430.
- (4) Notwithstanding anything in *The Insurance Act* or in any other Act, the Commission may effect insurance on behalf of municipal corporations or municipal commissions which it supplies with electrical power or energy against liability for bodily injury and property damage arising from the operation of an electrical utility. Group insurance for municipalities. Rev. Stat., c. 183.
- (5) The contract of insurance effected under subsection 4 may, if desired by the Commission, include the Commission as a party insured against liability and may protect more than one municipal corporation or municipal commission. Commission included in group insurance.
- (6) The cost of insurance effected under subsection 4 shall, except in so far as it is for the protection of the Commission, be chargeable to the protected municipal corporations or municipal commissions as part of the cost of power payable by them. How cost chargeable.
- (7) Where a municipal corporation or municipal commission is an insured party under a contract of insurance effected under subsection 4, it shall not be necessary for it to comply with subsection 1. Where insurance under subs. 1 not necessary.

11. Clause *e* of section 111 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 111, cl. e, re-enacted.

purchase of
securities.

(e) in the purchase of debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Commence-
ment.

12. This Act shall come into force on the day it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Power Commission Amendment Act, 1951*.

BILL

An Act to amend The Power
Commission Act

1st Reading

March 7th, 1951

2nd Reading

3rd Reading

MR. CHALLIES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Power Commission Act

MR. CHALLIES

BILL

An Act to amend The Power Commission Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 18 of *The Power Commission Act* is amended by striking out the words "as provided in section 49" in the second and third lines, so that the clause shall read as follows: Rev. Stat.,
c. 281, s. 18,
cl. *a*,
amended.

(a) towards repayment of advances made by the Province of Ontario to the Commission and towards the retirement of other indebtedness incurred or assumed by the Commission.

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat.,
c. 281,
amended.

26a.—(1) The powers of the Commission under clause *b* of section 26 with respect to the electrical equipment, apparatus, appliances, devices and works of any person to whom a municipal corporation or municipal commission supplies electrical power or energy which is supplied to it by the Commission may, with the assent of the Commission, be exercised by the municipal corporation or municipal commission. Frequency
standardiza-
tion by
municipi-
palities.

(2) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* of section 26, the Commission may bear the expense thereof. Where
Commission
may bear
cost.

(3) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of electrical equipment, apparatus, appliances, devices or works other than those mentioned in clause *d* of section 26, such Where cost
may be
apportioned.

portion of the expense as the Commission could have charged to and collected from owners of the electrical equipment, apparatus, appliances, devices or works if the Commission had exercised the powers itself, may, with the assent of the Commission, be charged to and collected from the owners by the municipal corporation or municipal commission and the balance borne by the Commission.

Rev. Stat.,
c. 281, s. 41,
amended.

3. Section 41 of *The Power Commission Act* is amended by inserting after the word "Act" in the first line the words "or by *The Niagara Development Act, 1951*", so that the section shall read as follows:

Extent of
powers of
expropria-
tion.

1951, c. ...

41. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily, and notwithstanding and regardless of the origin, nature and source of the owner's title thereto, and of the manner whereby it was acquired by the owner or any of his predecessors in title.

Rev. Stat.,
c. 281, s. 46,
amended.

4. Section 46 of *The Power Commission Act* is amended by striking out all the words after the word "Act" in the fourth line and inserting in lieu thereof the words "and of *The Niagara Development Act, 1951*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act", so that the section shall read as follows:

Government
authorized
to raise
funds for
work of
Commis-
sion.
Rev. Stat.,
c. 299.

1951, c. ...

46. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

Rev. Stat.,
c. 281, s. 49,
subs. 1,
amended.

5. Subsection 1 of section 49 of *The Power Commission Act* is amended by inserting after the word "Commission" in the first line the words "before the 1st day of January, 1951", so that the subsection, exclusive of the schedule, shall read as follows:

- (1) The advances received by the Commission before the 1st day of January, 1951, under the authority of sections 46, 47 and 48 shall be repayable as follows: Repayment of advances made before 1st January, 1951.

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6. Section 50 of *The Power Commission Act* is amended by inserting after the word "Commission" in the first line the words "in respect of advances received by it before the 1st day of January, 1951", so that the section shall read as follows: Rev. Stat., c. 281, s. 50, amended.

50. The Commission in respect of advances received by it before the 1st day of January, 1951, shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province, such sum as may be from time to time determined by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money. Payment to Province of interest and charges in respect of advances made before 1st January, 1951.

7. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat., c. 281, amended.

- 50a. All advances made by the Province to the Commission after the 1st day of January, 1951, shall be made on such terms and conditions as may be agreed upon between the Commission and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Commission in consideration of any advance, may, Advances to be made on terms and conditions agreed upon.

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Commission for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province issued for the purpose of raising the moneys advanced by the Province to the Commission, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario may approve; and

- (b) agree to reimburse the Province all charges and expenses incurred or to be incurred by the Province in connection with the creation and issue of such debentures or other securities of the Province and the payment from time to time of the interest thereon and of the principal thereof whether at maturity or on redemption prior to maturity and of the amount of the premium, if any, on redemption, and such other charges and expenses as the Province may incur.

Rev. Stat.,
c. 281, s. 51,
subs. 2,
amended.

8.—(1) Subsection 2 of section 51 of *The Power Commission Act* is amended by adding thereto the following clause:

- (aa) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission.

Rev. Stat.,
c. 281, s. 51,
subs. 2,
cl. e,
amended.

(2) Clause *e* of subsection 2 of the said section 51 is amended by inserting after the figures "59" in the fourth line the words "or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951*", so that the clause shall read as follows:

- (e) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of works referred to in section 59 or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951*, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. ...

Rev. Stat.,
c. 281, s. 66,
amended.

9. Section 66 of *The Power Commission Act* is amended by adding thereto the following subsection:

Areas fixed
as of May 1,
1951.

- (12) Notwithstanding anything in this section, no areas shall be established nor the boundaries of any established area enlarged or altered after the 1st day of May, 1951.

Rev. Stat.,
c. 281, s. 107,
re-enacted.

10. Section 107 of *The Power Commission Act* is repealed and the following substituted therefor:

107.—(1) Subject to subsections 2, 3 and 7, every municipal corporation and municipal commission supplied with electrical power or energy by the Commission shall maintain insurance against liability for bodily injury and property damage arising from the operation of an electrical utility in such amount and upon such terms as the Commission directs. Insurance by municipalities.

(2) A municipal corporation or municipal commission may, with the approval of the Commission, establish in lieu of such insurance a fund sufficient in the opinion of the Commission to protect the municipal corporation or municipal commission against the liability and thereupon it shall not be necessary for it to comply with subsection 1. Insurance fund.

(3) If a municipal corporation or municipal commission is in schedule 1 of the regulations made under *The Workmen's Compensation Act* and is paying assessments to the Workmen's Compensation Board, it shall not be necessary for it to maintain insurance against liability for bodily injury to its employees. Where insurance not necessary. Rev. Stat., c. 430.

(4) Notwithstanding anything in *The Insurance Act* or in any other Act, the Commission may effect insurance on behalf of municipal corporations or municipal commissions which it supplies with electrical power or energy against liability for bodily injury and property damage arising from the operation of an electrical utility. Group insurance for municipalities. Rev. Stat., c. 183.

(5) The contract of insurance effected under subsection 4 may, if desired by the Commission, include the Commission as a party insured against liability and may protect more than one municipal corporation or municipal commission. Commission included in group insurance.

(6) The cost of insurance effected under subsection 4 shall, except in so far as it is for the protection of the Commission, be chargeable to the protected municipal corporations or municipal commissions as part of the cost of power payable by them. How cost chargeable.

(7) Where a municipal corporation or municipal commission is an insured party under a contract of insurance effected under subsection 4, it shall not be necessary for it to comply with subsection 1. Where insurance under subs. 1 not necessary.

11. Clause *e* of section 111 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 111, cl. *e*, re-enacted.

purchase of
securities.

(e) in the purchase of debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Commence-
ment.

12. This Act shall come into force on the day it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Power Commission Amendment Act, 1951*.



An Act to amend The Power
Commission Act

1st Reading

March 7th, 1951

2nd Reading

March 19th, 1951

3rd Reading

March 21st, 1951

MR. CHALLES

No. 118

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to facilitate the Development of Power on the Niagara River

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

In 1916 the Legislature passed an Act (chapter 20) entitled *An Act respecting the Public Development of Water Power in the vicinity of Niagara Falls*, which gave The Hydro-Electric Power Commission of Ontario special powers designed to facilitate a proper development of the power potential of the Niagara River having regard to the power needs of the time.

In 1917 this Act was supplemented by the Act (chapter 21) entitled *An Act to authorize the Construction and Operation of Works for the Development of Electrical Power and Energy in the Vicinity of Niagara Falls by the Hydro-Electric Power Commission of Ontario on behalf of Certain Municipal Corporations*.

This bill further supplements the Act of 1916 and *The Power Commission Act* with regard being had to present-day conditions.

BILL

An Act to facilitate the Development of Power on the Niagara River

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "land" means real property of whatsoever nature or kind and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, through, over, under, along, upon, across or affecting land;
- (c) "owner" includes mortgagee, lessee, tenant, occupant, any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest is vested;
- (d) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and includes energy;
- (e) "supply" includes delivery, dealing in, and sale;
- (f) "works" includes all property, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, delivery, sale or use of power.

2. The Commission may,

Power of
Commission.

- (a) divert the waters of the Niagara and Welland rivers and tributary waters or any of them and by the use

to divert
and use
works for
generating
electricity;

of these waters, or by coal, steam, or oil or by any other means, generate power and use, transform, transmit, convert, distribute, deliver, make available for use, sell and supply it;

to construct works;

- (b) construct, install, maintain and operate works and roads required for or incidental to the diversion of the waters of the Niagara and Welland rivers and tributary waters or any of them and to the generation of power by the use of these waters, or by coal, steam, or oil or by other means and to its use, transformation, transmission, conversion, distribution, delivery, availability for use or supply;

to connect with other works;

- (c) connect any of the works constructed or installed under clause *b* with any other power works or systems;

to transmit and deliver power;

- (d) transmit, transform, distribute and deliver power generated under clause *a* to or from or for any person at any place, through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or roadway and through, over, under, along, upon or across the land of any person;

to acquire from The Niagara Parks Commission;

- (e) acquire for the purposes of this Act from The Niagara Parks Commission by purchase, lease or otherwise as may be agreed upon, land, water, water privileges, water powers, roads, buildings and works and use, utilize, develop and improve them;

to acquire lands and works;

- (f) acquire for the purposes of this Act by purchase, lease or otherwise from persons other than The Niagara Parks Commission, or without the consent of the owner, other than The Niagara Parks Commission, enter upon, take possession of, expropriate and use land, waters, water privileges, water powers, access and other roads, buildings, and works and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as it deems are no longer necessary for its purposes;

to acquire supplies.

- (g) acquire for the purposes of this Act, by purchase, or otherwise, water, coal, steam, oil, material, equipment and other supplies.

Continuance of easements.

3. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement is

acquired by the Commission in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto and it shall be binding upon the owner and all subsequent owners of the land until released by the Commission.

4. For the purposes of clause *d* of section 2, the Commission may exercise the same powers as are set forth in subsection 2 of section 32 of *The Power Commission Act*, and thereupon subsections 3 to 11 of that section shall apply. Exercise of powers of entry. Rev. Stat., c. 281.

5.—(1) In relation to all matters authorized by this Act, except acquisition from The Niagara Parks Commission, the Commission shall have and may exercise and enjoy, in addition to the powers conferred upon it by this and any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words “the Minister”, “the Department” or “the Crown” appear in that Act, they shall, where the context permits, mean the Commission. Commission to have powers of Minister of Public Works. Rev. Stat., c. 323.

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission. Mode of perfecting title.

(3) Except as otherwise provided in this Act, the Commission shall in the exercise of its compulsory powers authorized by this Act, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall apply *mutatis mutandis*. Procedure.

(4) Subsection 6 of section 24 of *The Power Commission Act* shall apply to proceedings under this section. Rev. Stat., c. 281, s. 24, subs. 6, to apply.

(5) No act or proceeding of the Commission under this section shall be restrained by injunction or other process or proceeding in any court. Action of commission not to be restrained.

6. The purposes and objects of this Act shall be purposes and objects of the Commission under section 12 of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed. General fund.

7. For the purposes of this Act, the Commission may, in addition to exercising any of the powers conferred upon Additional powers.

Rev. Stat.,
c. 281.

it by this Act, exercise any of the powers conferred upon it by *The Power Commission Act*, but nothing in that Act shall in any way limit or restrict the exercise of the powers conferred upon by the Commission by this Act.

Conveyance
from The
Niagara
Parks
Commis-
sion.

8. Subject to the approval of the Lieutenant-Governor in Council, The Niagara Parks Commission may execute and deliver to the Commission such conveyances, leases or other documents as may be necessary for the purposes of clause *e* of section 2.

Extent of
operation of
Act.

9. The exercise of the powers conferred by or under the authority of this Act, or any of them, shall not be deemed to be a making use of the waters of the Niagara River to generate electric or pneumatic power within the meaning of any stipulation or condition contained in any agreement entered into by the commissioners for the Queen Victoria Niagara Falls Park or The Niagara Parks Commission, whether the diverted water is used in or by plants or works heretofore constructed or in or by other plants or works.

Commence-
ment.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Niagara Development Act, 1951*.

BILL

An Act to facilitate the Development
of Power on the Niagara River

1st Reading

March 7th, 1951

2nd Reading

3rd Reading

MR. CHALLES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to facilitate the Development of Power on the Niagara River

MR. CHALLIES

BILL

An Act to facilitate the Development of Power on the Niagara River

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "land" means real property of whatsoever nature or kind and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, through, over, under, along, upon, across or affecting land;
- (c) "owner" includes mortgagee, lessee, tenant, occupant, any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest is vested;
- (d) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and includes energy;
- (e) "supply" includes delivery, dealing in, and sale;
- (f) "works" includes all property, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, delivery, sale or use of power.

2. The Commission may,

Power of
Commission.

- (a) divert the waters of the Niagara and Welland rivers and tributary waters or any of them and by the use to divert and use works for generating electricity;

of these waters, or by coal, steam, or oil or by any other means, generate power and use, transform, transmit, convert, distribute, deliver, make available for use, sell and supply it;

to construct works;

- (b) construct, install, maintain and operate works and roads required for or incidental to the diversion of the waters of the Niagara and Welland rivers and tributary waters or any of them and to the generation of power by the use of these waters, or by coal, steam, or oil or by other means and to its use, transformation, transmission, conversion, distribution, delivery, availability for use or supply;

to connect with other works;

- (c) connect any of the works constructed or installed under clause *b* with any other power works or systems;

to transmit and deliver power;

- (d) transmit, transform, distribute and deliver power generated under clause *a* to or from or for any person at any place, through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or roadway and through, over, under, along, upon or across the land of any person;

to acquire from The Niagara Parks Commission;

- (e) acquire for the purposes of this Act from The Niagara Parks Commission by purchase, lease or otherwise as may be agreed upon, land, water, water privileges, water powers, roads, buildings and works and use, utilize, develop and improve them;

to acquire lands and works;

- (f) acquire for the purposes of this Act by purchase, lease or otherwise from persons other than The Niagara Parks Commission, or without the consent of the owner, other than The Niagara Parks Commission, enter upon, take possession of, expropriate and use land, waters, water privileges, water powers, access and other roads, buildings, and works and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as it deems are no longer necessary for its purposes;

to acquire supplies.

- (g) acquire for the purposes of this Act, by purchase, or otherwise, water, coal, steam, oil, material, equipment and other supplies.

Continuance of easements.

3. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement is

acquired by the Commission in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto and it shall be binding upon the owner and all subsequent owners of the land until released by the Commission.

4. For the purposes of clause *d* of section 2, the Commission may exercise the same powers as are set forth in subsection 2 of section 32 of *The Power Commission Act*, and thereupon subsections 3 to 11 of that section shall apply.

Exercise of powers of entry.
Rev. Stat., c. 281.

5.—(1) In relation to all matters authorized by this Act, except acquisition from The Niagara Parks Commission, the Commission shall have and may exercise and enjoy, in addition to the powers conferred upon it by this and any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words “the Minister”, “the Department” or “the Crown” appear in that Act, they shall, where the context permits, mean the Commission.

Commission to have powers of Minister of Public Works.

Rev. Stat., c. 323.

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission.

Mode of perfecting title.

(3) Except as otherwise provided in this Act, the Commission shall in the exercise of its compulsory powers authorized by this Act, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall apply *mutatis mutandis*.

Procedure.

(4) Subsection 6 of section 24 of *The Power Commission Act* shall apply to proceedings under this section.

Rev. Stat., c. 281, s. 24, subs. 6, to apply.

(5) No act or proceeding of the Commission under this section shall be restrained by injunction or other process or proceeding in any court.

Action of commission not to be restrained.

6. The purposes and objects of this Act shall be purposes and objects of the Commission under section 12 of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed.

General fund.

7. For the purposes of this Act, the Commission may, in addition to exercising any of the powers conferred upon

Additional powers.

Rev. Stat.,
c. 281.

it by this Act, exercise any of the powers conferred upon it by *The Power Commission Act*, but nothing in that Act shall in any way limit or restrict the exercise of the powers conferred upon by the Commission by this Act.

Conveyance
from The
Niagara
Parks
Commis-
sion.

8. Subject to the approval of the Lieutenant-Governor in Council, The Niagara Parks Commission may execute and deliver to the Commission such conveyances, leases or other documents as may be necessary for the purposes of clause *e* of section 2.

Extent of
operation of
Act.

9. The exercise of the powers conferred by or under the authority of this Act, or any of them, shall not be deemed to be a making use of the waters of the Niagara River to generate electric or pneumatic power within the meaning of any stipulation or condition contained in any agreement entered into by the commissioners for the Queen Victoria Niagara Falls Park or The Niagara Parks Commission, whether the diverted water is used in or by plants or works heretofore constructed or in or by other plants or works.

Commence-
ment.

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Niagara Development Act, 1951*.

An Act to facilitate the Development
of Power on the Niagara River

1st Reading

March 7th, 1951

2nd Reading

March 19th, 1951

3rd Reading

March 21st, 1951

MR. CHALLES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Jurors Act

MR. PORTER

EXPLANATORY NOTES

The purpose of this bill is to provide for a system of mixed juries in Ontario so that women will be qualified to serve on juries.

Section 2 of the bill provides for the exemption from jury duty of women who are members of religious orders living in convents and other religious communities, registered nurses, and the wives and husbands of judges, magistrates, sheriffs, coroners, jailers, keepers of houses of correction or lock-ups, sheriffs' officers and constables, police officers and constables, barristers and solicitors of the Supreme Court actually practising, students-at-law and the officers of any court of justice.

Section 3 of the bill provides machinery whereby a woman who is served with a jury summons may obtain exemption from such service for a period of one year.

No. 119

1951

BILL

An Act to amend The Jurors Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Jurors Act* is amended by striking out the word "male" in the second line, by inserting after the word "his" in the fourth line the words "or her" and by inserting after the word "wife" in the fifth line the words "or husband", so that the subsection shall read as follows:

Rev. Stat.,
c. 191, s. 2,
subs. 1,
amended.

(1) Subject to section 42, and unless exempted or disqualified, every person 21 or more years of age, being a British subject by birth or naturalization and in the possession of his or her natural faculties, and not infirm or decrepit, who or whose wife or husband is assessed upon the last revised assessment roll as owner or tenant in respect of real property of the value of not less than \$600 in cities and \$400 in towns, villages and townships shall be qualified and liable to serve as a juror on grand and petit juries in the Supreme Court, and in all courts of civil or criminal jurisdiction within the county in which he resides.

Who qualified and
liable to
serve.

2. Subsection 1 of section 3 of *The Jurors Act* is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 191, s. 3,
subs. 1,
amended.

10a. Every woman who is a vowed member of a religious order and who lives in a convent or other religious community.

13a. Every registered nurse.

21. The wife or husband of every person mentioned in paragraphs 5, 6, 7, 8, 9, 11 and 12.

3. *The Jurors Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 191,
amended.

Notice by
women
desiring
exemption.

3a.—(1) A woman who is served with a summons and does not desire to serve as a juror shall, within three days after the date of receipt of the summons by her, notify the sheriff in writing (Form 3A, Schedule D) that she claims exemption from service as a juror for a period of one year from the date of the notice, and upon such notice being given to the sheriff the woman shall be exempt from service as a juror for the said period of one year.

Enclosures
with sum-
mons.

(2) When sending a summons to a woman, the sheriff shall enclose therewith a copy of this section and a copy of the notice (Form 3A, Schedule D).

Rev. Stat.,
c. 191, s. 42,
subs. 5,
amended.

4. Subsection 5 of section 42 of *The Jurors Act* is amended by striking out the word "male" in the second line, so that the subsection shall read as follows:

Selection
by district
selectors.

(5) The district selectors shall then proceed to select, from among the persons 21 or more years of age resident in territory without municipal organization, a list of persons to serve as grand and petit jurors respectively with those to be selected from the local municipalities.

Rev. Stat.,
c. 191, s. 50,
subs. 1,
cls. a, b, c,
re-enacted.

5. Clauses *a*, *b* and *c* of subsection 1 of section 50 of *The Jurors Act* are repealed and the following substituted therefor:

(a) in the county of York, 625;

(b) in the county of Wentworth, 270; and

(c) in any other county, 180.

Rev. Stat.,
c. 191, s. 61,
para. 4,
amended.

6. Paragraph 4 of section 61 of *The Jurors Act* is amended by adding at the end thereof the words "and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife", so that the paragraph shall read as follows:

4. The sheriff shall then proceed in like manner to draft and dispose of other numbers from the box or urn, until the necessary number for the panel has been completed, and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife.

Section 5 of the bill increases the maximum number of jurors a judge may direct to be returned by 25 per cent over the present figures. This will provide for cases where women take advantage of the provisions permitting them to become exempt by notifying the sheriff.

Section 6 of the bill provides that a husband and his wife must not be selected on the same jury panel.

Section 8, which adds a new section 73a to the Act, provides that a judge may direct that in any civil case the jury shall be composed of men only or of women only, and also permits a judge to excuse a woman from jury service in any civil or criminal case by reason of the nature of the evidence to be given or the issues to be tried.

7. Subsection 1 of section 73 of *The Jurors Act* is amended by striking out the word "men" in the seventh line and inserting in lieu thereof the word "persons", so that the subsection shall read as follows: Rev. Stat., c. 191, s. 73, subs. 1, amended.

(1) Where a full jury does not appear at a sittings of the Supreme Court, or at a sittings of the county court or of the court of general sessions of the peace, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury. If a full jury do not appear a *tales* may be granted.

8. *The Jurors Act* is amended by adding thereto the following section: Rev. Stat., c. 191, amended.

73a. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require, or may, on an application made by any woman, excuse such woman from service on a jury in respect of any case, civil or criminal, by reason of the nature of the evidence to be given or the issues to be tried. How jury to be composed.

9.—(1) Form 1 in Schedule D to *The Jurors Act* is amended by striking out the word "men" where it occurs in the said Form and inserting in lieu thereof the word "persons", so that the Form shall read as follows: Rev. Stat., c. 191, Sched. D, Form 1, amended.

FORM 1

(Section 43)

In the Supreme Court of Ontario

George the Sixth, by the Grace of God, King, etc.

Ontario
County (or District) of.....

To Wit:

To the Sheriff of the..... of.....

You are commanded that you cause to come before the Judge or other person holding the sittings of the Supreme Court (or County or District Court or Court of General Sessions of the Peace) at..... in your Bailiwick, on the..... day of....., 19...., all panels

concerning such sittings (*and when the sittings are for the trial of criminal as well as civil cases*), and also cause to come thirteen good and lawful persons of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings; and also summon a competent number, being not less thangood and lawful persons duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at, thisday of, 19.....

Rev. Stat.,
c. 191,
Sched. D,
amended.

(2) The said Schedule D is further amended by adding thereto the following Form:

FORM 3A

(Section 3a)

NOTICE TO SHERIFF

To the Sheriff of theof.....

Take notice that I,, being a woman, hereby claim exemption from service as a juror for a period of one year from the date of this notice.

Dated at, thisday of, 19.....

.....
Witness Claimant

Rev. Stat.,
c. 191,
amended.

10. *The Jurors Act* is amended by striking out the words "juryman" and "jurymen" wherever they occur and inserting in lieu thereof the words "juror" and "jurors" respectively in each instance.

Commence-
ment.

11. This Act shall come into force on the 1st day of January, 1952.

Short title.

12. This Act may be cited as *The Jurors Amendment Act, 1951*.



BILL

An Act to amend The Jurors Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Jurors Act

MR. PORTER

BILL

An Act to amend The Jurors Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Jurors Act* is amended by striking out the word "male" in the second line, by inserting after the word "his" in the fourth line the words "or her" and by inserting after the word "wife" in the fifth line the words "or husband", so that the subsection shall read as follows:

Rev. Stat.,
c. 191, s. 2,
subs. 1,
amended.

(1) Subject to section 42, and unless exempted or disqualified, every person 21 or more years of age, being a British subject by birth or naturalization and in the possession of his or her natural faculties, and not infirm or decrepit, who or whose wife or husband is assessed upon the last revised assessment roll as owner or tenant in respect of real property of the value of not less than \$600 in cities and \$400 in towns, villages and townships shall be qualified and liable to serve as a juror on grand and petit juries in the Supreme Court, and in all courts of civil or criminal jurisdiction within the county in which he resides.

Who qualified and
liable to
serve.

2. Subsection 1 of section 3 of *The Jurors Act* is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 191, s. 3,
subs. 1,
amended.

10a. Every woman who is a vowed member of a religious order and who lives in a convent or other religious community.

13a. Every registered nurse.

21. The wife or husband of every person mentioned in paragraphs 5, 6, 7, 8, 9, 11 and 12.

3. *The Jurors Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 191,
amended.

Notice by
women
desiring
exemption.

3a.—(1) A woman who is served with a summons and does not desire to serve as a juror shall, within three days after the date of receipt of the summons by her, notify the sheriff in writing (Form 3A, Schedule D) that she claims exemption from service as a juror for a period of one year from the date of the notice, and upon such notice being given to the sheriff the woman shall be exempt from service as a juror for the said period of one year.

Enclosures
with sum-
mons.

(2) When sending a summons to a woman, the sheriff shall enclose therewith a copy of this section and a copy of the notice (Form 3A, Schedule D).

Rev. Stat.,
c. 191, s. 42,
subs. 5,
amended.

4. Subsection 5 of section 42 of *The Jurors Act* is amended by striking out the word "male" in the second line, so that the subsection shall read as follows:

Selection
by district
selectors.

(5) The district selectors shall then proceed to select, from among the persons 21 or more years of age resident in territory without municipal organization, a list of persons to serve as grand and petit jurors respectively with those to be selected from the local municipalities.

Rev. Stat.,
c. 191, s. 50,
subs. 1,
cls. a, b, c,
re-enacted.

5. Clauses *a*, *b* and *c* of subsection 1 of section 50 of *The Jurors Act* are repealed and the following substituted therefor:

- (a) in the county of York, 625;
- (b) in the county of Wentworth, 270; and
- (c) in any other county, 180.

Rev. Stat.,
c. 191, s. 61,
para. 4,
amended.

6. Paragraph 4 of section 61 of *The Jurors Act* is amended by adding at the end thereof the words "and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife", so that the paragraph shall read as follows:

- 4. The sheriff shall then proceed in like manner to draft and dispose of other numbers from the box or urn, until the necessary number for the panel has been completed, and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife.

7. Subsection 1 of section 73 of *The Jurors Act* is amended by striking out the word "men" in the seventh line and inserting in lieu thereof the word "persons", so that the subsection shall read as follows: Rev. Stat.,
c. 191, s. 73,
subs. 1,
amended.

- (1) Where a full jury does not appear at a sittings of the Supreme Court, or at a sittings of the county court or of the court of general sessions of the peace, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury. If a full
jury do not
appear a
tales may
be granted.

8. *The Jurors Act* is amended by adding thereto the following section: Rev. Stat.,
c. 191,
amended.

- 73a. The presiding judge before whom a civil case is or may be heard may in his discretion on an application made by or on behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require, or may, on an application made by any woman, excuse such woman from service on a jury in respect of any case, civil or criminal, by reason of the nature of the evidence to be given or the issues to be tried. How jury
to be
composed.

9.—(1) Form 1 in Schedule D to *The Jurors Act* is amended by striking out the word "men" where it occurs in the said Form and inserting in lieu thereof the word "persons", so that the Form shall read as follows: Rev. Stat.,
c. 191,
Sched. D,
Form 1,
amended.

FORM 1

(Section 43)

In the Supreme Court of Ontario

George the Sixth, by the Grace of God, King, etc.

Ontario
County (or District) of

To Wit:

To the Sheriff of the of

You are commanded that you cause to come before the Judge or other person holding the sittings of the Supreme Court (or County or District Court or Court of General Sessions of the Peace) at in your Bailiwick, on the day of, 19...., all panels

concerning such sittings (*and when the sittings are for the trial of criminal as well as civil cases*), and also cause to come thirteen good and lawful persons of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings; and also summon a competent number, being not less than.....good and lawful persons duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at....., this.....day of....., 19.....

Rev. Stat.,
c. 191,
Sched. D.
amended.

(2) The said Schedule D is further amended by adding thereto the following Form:

FORM 3A

(Section 3a)

NOTICE TO SHERIFF

To the Sheriff of the.....of.....

Take notice that I,....., being a woman, hereby claim exemption from service as a juror for a period of one year from the date of this notice.

Dated at....., this.....day of....., 19.....

.....
Witness

.....
Claimant

Rev. Stat.,
c. 191,
amended.

10. *The Jurors Act* is amended by striking out the words "juryman" and "jurymen" wherever they occur and inserting in lieu thereof the words "juror" and "jurors" respectively in each instance.

Commence-
ment.

11. This Act shall come into force on the 1st day of January, 1952.

Short title.

12. This Act may be cited as *The Jurors Amendment Act, 1951*.

BILL

An Act to amend The Jurors Act

1st Reading

March 8th, 1951

2nd Reading

March 12th, 1951

3rd Reading

March 14th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to ensure Fair Remuneration to Female Employees

MR. DALEY

EXPLANATORY NOTES

This bill proposes a new Act. Its provisions are self-explanatory.

SECTION 4—Subsection 2. Section 26 of *The Labour Relations Act* reads as follows:

26. A conciliation board shall have power,

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the board deems requisite to the full investigation and consideration of the matters referred to it in the same manner as a court of record in civil cases;
- (b) to administer oaths;
- (c) to accept such oral or written evidence as it in its discretion may deem proper, whether admissible in a court of law or not;
- (d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the matters referred to the board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such matters;
- (e) to authorize any person to do anything that the board may do under clause *d* and to report to the board thereon.

Subsection 7. The rate of remuneration of a commissioner appointed under *The Labour Relations Act* is the same as the chairman of a conciliation board appointed under that Act, namely, \$25 per day. See section 58 (c) and section 28 of *The Labour Relations Act*.

No. 120

1951

BILL

An Act to ensure Fair Remuneration to Female Employees

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;
- (c) "Minister" means Minister of Labour;
- (d) "pay" means remuneration in any form.

2.—(1) No employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment. Equal pay for equal work.

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex shall not constitute a failure to comply with this section. Saving.

3.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that she has been discriminated against contrary to section 2. Conciliation officer, appointment.

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office. Form of complaint.

Concilia-
tion officer,
duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

report.

(4) The conciliation officer shall report the results of his inquiry and endeavours to the Director.

Commission,
appoint-
ment;

4.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Director appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the commission to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers;

Rev. Stat.,
c. 194.

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

duties;

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint.

Majority
recommen-
dations to
prevail.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

Clarification
of recom-
mendations.

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Director until they have been so clarified or amplified.

Minister's
order.

(6) The Minister on the recommendation of the Director may issue whatever order he deems necessary to carry the recommendations of the commission into effect, and the order shall be final and shall be complied with in accordance with its terms.

Remunera-
tion.

(7) Each member of a commission shall be remunerated for his services at the same rate as a commissioner under *The Labour Relations Act*.

Offence and
penalty.

5.—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. ^{Disposition of penalties.}

6. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director. ^{Consent to prosecution.}

7.—(1) This Act shall come into force on the 1st day of January, 1952. ^{Commencement.}

(2) Nothing in this Act shall affect written contracts of employment and collective bargaining agreements that were made before the 1st day of March, 1951, but if any such contract or agreement is in force on the 1st day of September, 1952, this Act shall apply thereto on and after that day. ^{Application.}

8. This Act may be cited as *The Female Employees Fair Remuneration Act, 1951*. ^{Short title.}



BILL

An Act to ensure Fair Remuneration
to Female Employess

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DALEY

No. 120

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to ensure Fair Remuneration to Female Employees

MR. DALEY

* 1111

BILL

An Act to ensure Fair Remuneration to Female Employees

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;

(b) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;

(c) "Minister" means Minister of Labour;

(d) "pay" means remuneration in any form.

2.—(1) No employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment. Equal pay for equal work.

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex shall not constitute a failure to comply with this section. Saving.

3.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that she has been discriminated against contrary to section 2. Conciliation officer, appointment.

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office. Form of complaint.

Concilia-
tion officer,
duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

report.

(4) The conciliation officer shall report the results of his inquiry and endeavours to the Director.

Commission,
appoint-
ment;

4.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Director appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the commission to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers;

Rev. Stat.,
c. 194.

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

duties;

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint.

Majority
recommen-
dations to
prevail.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

Clarification
of recom-
mendations.

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Director until they have been so clarified or amplified.

Minister's
order.

(6) The Minister on the recommendation of the Director may issue whatever order he deems necessary to carry the recommendations of the commission into effect, and the order shall be final and shall be complied with in accordance with its terms.

Remunera-
tion.

(7) Each member of a commission shall be remunerated for his services at the same rate as a commissioner under *The Labour Relations Act*.

Offence and
penalty.

5.—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. ^{Disposition of penalties.}

6. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director. ^{Consent to prosecution.}

7.—(1) This Act shall come into force on the 1st day of January, 1952. ^{Commencement.}

(2) Nothing in this Act shall affect written contracts of employment and collective bargaining agreements that were made before the 1st day of March, 1951, but if any such contract or agreement is in force on the 1st day of September, 1952, this Act shall apply thereto on and after that day. ^{Application.}

8. This Act may be cited as *The Female Employees Fair Remuneration Act, 1951*. ^{Short title.}

BILL

An Act to ensure Fair Remuneration
to Female Employess

1st Reading

March 8th, 1951

2nd Reading

March 12th, 1951

3rd Reading

March 28th, 1951

MR. DALEY

No. 121

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to promote Fair Employment Practices in Ontario

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill proposes a new Act in lieu of that proposed by Bill No. 90.
Its provisions are self-explanatory.

BILL

An Act to promote Fair Employment Practices in Ontario

WHEREAS it is contrary to public policy in Ontario to Preamble.
discriminate against men and women in respect of
their employment because of race, creed, colour, nationality,
ancestry or place of origin; whereas it is desirable to enact a
measure designed to promote observance of this principle;
and whereas to do so is in accord with the Universal Declara-
tion of Human Rights as proclaimed by the United Nations;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act.

Interpre-
tation.

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "employment agency" includes a person who under-
takes with or without compensation to procure
employees for employers and a person who under-
takes with or without compensation to procure
employment for persons;
- (c) "employers' organization" means an organization of
employers formed for purposes that include the
regulation of relations between employers and
employees;
- (d) "Minister" means Minister of Labour;
- (e) "person", in addition to the extended meaning given
it by *The Interpretation Act*, includes employment Rev. Stat.,
c. 184.
agency, employers' organization and trade union;
- (f) "trade union" means an organization of employees
formed for purposes that include the regulation of
relations between employees and employers.

Exceptions
from appli-
cation of
Act.

2. This Act does not apply,

- (a) to any domestic employed in a private home;
- (b) to any exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;
- (c) to any employer who employs less than five employees.

Employers
not to
discriminate
in employ-
ment
practices.

3. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership
in trade
union.

4. No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin.

Employment
applications
and adver-
tisements
not to dis-
criminate.

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of any person.

Conciliation
officer,
appoint-
ment.

6.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section 3, or that he has been excluded, expelled, suspended or discriminated against contrary to section 4, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 5.

Form of
complaint.

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office.

Conciliation
officer,
duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(4) The conciliation officer shall report the results of his report.
inquiry and endeavours to the Director.

7.—(1) If the conciliation officer is unable to effect a settle- Commission, ment of the matter complained of, the Minister may, on the appoint- recommendation of the Director, appoint a commission com- ment; posed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

(2) The commission shall have all the powers of a concilia- powers; tion board under section 26 of *The Labour Relations Act*. Rev. Stat., c. 194.

(3) The commission shall give the parties full opportunity duties. to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

(4) If the commission is composed of more than one person, Majority the recommendations of the majority shall be the recom- recommen- mendations of the commission. dations to prevail.

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of its recom- Clarifica- mendations and they shall not be deemed to have been tion of recommendations. received by the Director until they have been so clarified or amplified.

(6) The Minister on the recommendation of the Director Minister's may issue whatever order he deems necessary to carry the order. recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms.

(7) Each member of a commission shall be remunerated Remunera- for his services at the same rate as the chairman of a concilia- tion. tion board appointed under *The Labour Relations Act*.

8.—(1) Every person who fails to comply with any provi- Offences sion of this Act or with any order made under this Act is and and guilty of an offence and on summary conviction is liable, penalties.

(a) if an individual, to a penalty of not more than \$50;
or

(b) if a corporation, trade union, employers' organization
or employment agency, to a penalty of not more than
\$100.

Disposition
of penalties.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Style of
prosecutions.

9. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Consent to
prosecution.

10.—(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director.

Idem.

(2) The Director shall not make such a recommendation if he is satisfied that the act complained of was done in good faith solely for the purpose of preserving the security of Canada or any part thereof or of any state allied or associated with Canada in connection with any national emergency or any war, invasion or insurrection, real or apprehended.

Short title.

11. This Act may be cited as *The Fair Employment Practices Act, 1951*.

BILL

An Act to promote Fair Employment
Practices in Ontario

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 121

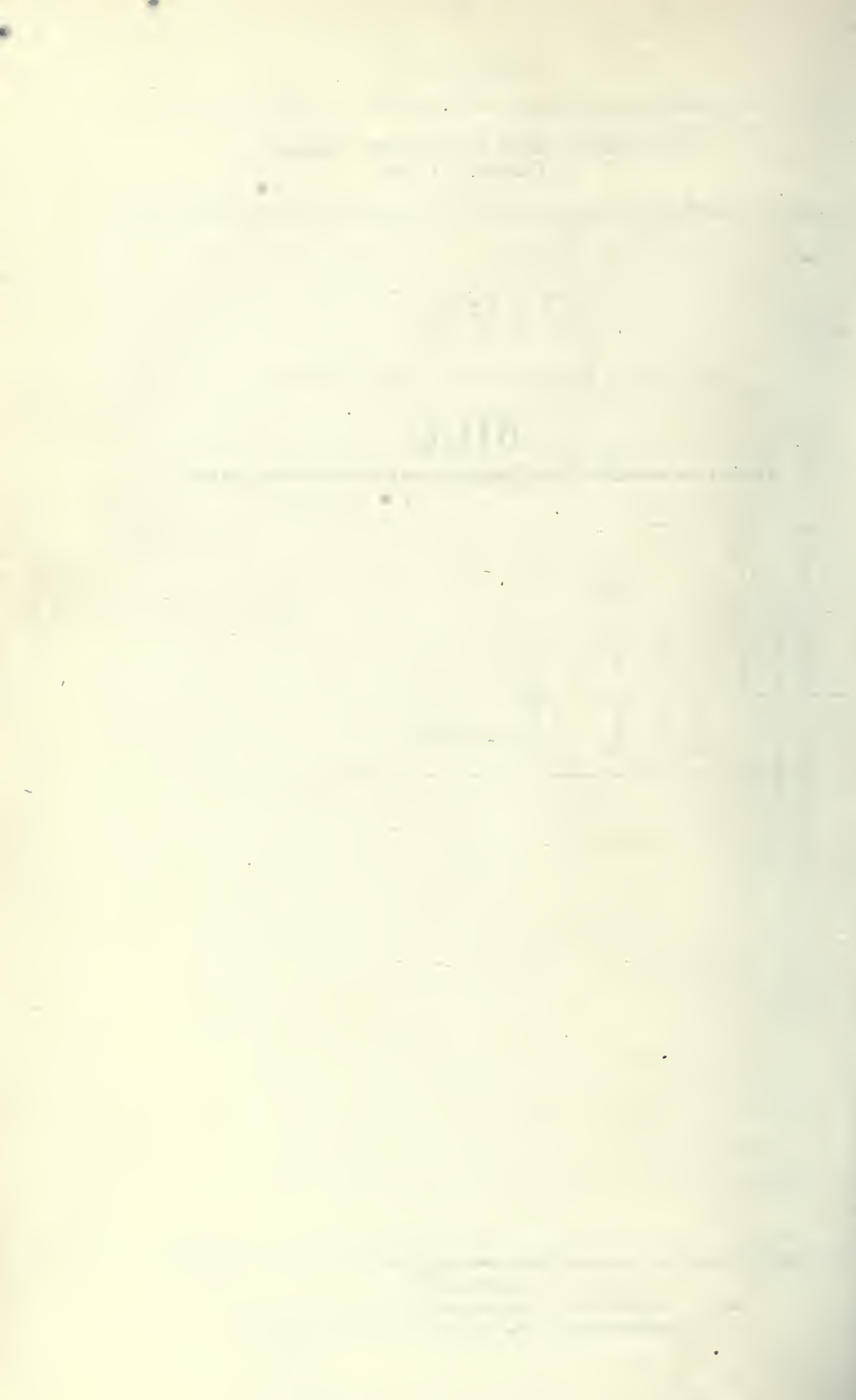
3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to promote Fair Employment Practices in Ontario

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to promote Fair Employment Practices in Ontario

WHEREAS it is contrary to public policy in Ontario to Preamble.
discriminate against men and women in respect of
their employment because of race, creed, colour, nationality,
ancestry or place of origin; whereas it is desirable to enact a
measure designed to promote observance of this principle;
and whereas to do so is in accord with the Universal Declara-
tion of Human Rights as proclaimed by the United Nations;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "employment agency" includes a person who under- takes with or without compensation to procure employees for employers and a person who under- takes with or without compensation to procure employment for persons;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means Minister of Labour;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes employment Rev. Stat.,
c. 184. agency, employers' organization and trade union;
- (f) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Exceptions
from appli-
cation of
Act.

2. This Act does not apply,

- (a) to any domestic employed in a private home;
- (b) to any exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit; -
- (c) to any employer who employs less than five employees.

Employers
not to
discriminate
in employ-
ment
practices.

3. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership
in trade
union.

4. No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin.

Employment
applications
and adver-
tisements
not to dis-
criminate.

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of any person.

Conciliation
officer,
appoint-
ment.

6.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section 3, or that he has been excluded, expelled, suspended or discriminated against contrary to section 4, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 5.

Form of
complaint.

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office.

Conciliation
officer,
duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(4) The conciliation officer shall report the results of his report.
inquiry and endeavours to the Director.

7.—(1) If the conciliation officer is unable to effect a settle- Commission,
ment of the matter complained of, the Minister may, on the appoint-
recommendation of the Director, appoint a commission com- ment;
posed of one or more persons and shall forthwith communicate
the names of the members to the parties and thereupon it
shall be presumed conclusively that the commission was
appointed in accordance with this Act, and no order shall be
made or process entered or proceeding taken in any court,
whether by way of injunction, declaratory judgment, cer-
tiorari, mandamus, prohibition, quo warranto or otherwise to
question the appointment of the commission, or to review,
prohibit or restrain any of its proceedings.

(2) The commission shall have all the powers of a concilia- powers;
tion board under section 26 of *The Labour Relations Act*. Rev. Stat.,
c. 194.

(3) The commission shall give the parties full opportunity duties.
to present evidence and to make submissions and if it finds
that the complaint is supported by the evidence it shall
recommend to the Director the course that ought to be taken
with respect to the complaint, which may include reinstatement
with or without compensation for loss of earnings and
other benefits.

(4) If the commission is composed of more than one person, Majority
the recommendations of the majority shall be the recom- recommen-
mendations of the commission. dations to
prevail.

(5) After a commission has made its recommendations, the Clarifica-
Director may direct it to clarify or amplify any of its recom- tion of
mendations and they shall not be deemed to have been recommen-
received by the Director until they have been so clarified or dations.
amplified.

(6) The Minister on the recommendation of the Director Minister's
may issue whatever order he deems necessary to carry the order.
recommendations of the commission into effect and the order
shall be final and shall be complied with in accordance with
its terms.

(7) Each member of a commission shall be remunerated Remunera-
for his services at the same rate as the chairman of a concilia- tion.
tion board appointed under *The Labour Relations Act*.

8.—(1) Every person who fails to comply with any provi- Offences
sion of this Act or with any order made under this Act is and
guilty of an offence and on summary conviction is liable, penalties.

- (a) if an individual, to a penalty of not more than \$50;
or
- (b) if a corporation, trade union, employers' organization
or employment agency, to a penalty of not more than
\$100.

Disposition
of penalties.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Style of
prosecutions.

9. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Consent to
prosecution.

10.—(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director.

Idem.

(2) The Director shall not make such a recommendation if he is satisfied that the act complained of was done in good faith solely for the purpose of preserving the security of Canada or any part thereof or of any state allied or associated with Canada in connection with any national emergency or any war, invasion or insurrection, real or apprehended.

Short title.

11. This Act may be cited as *The Fair Employment Practices Act, 1951*.

BILL

An Act to promote Fair Employment
Practices in Ontario

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

April 5th, 1951

MR. FROST

No. 122

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Utilities Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1—Subsection 1. The Act is amended to extend the period for which a municipality may contract to supply water from 10 to 20 years, and to authorize a municipality to contract to supply water to another municipality.

Subsection 2. This amendment authorizes a municipality purchasing water from another municipality to lay the necessary pipes in the municipality supplying the water.

SECTION 2. Section 24 of the Act is re-enacted to extend the term for which a municipality may contract to supply a utility other than water from 10 to 20 years, and to authorize a municipality to contract to supply such a utility to another municipality.

BILL

An Act to amend The Public Utilities Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 11 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 320, s. 11, subs. 2, re-enacted.

(2) A corporation may enter into a contract for a term not exceeding 20 years for the supply of water, Contracts for supply of water.

(a) to any person within or beyond the limits of the municipality; and

(b) to any other municipality, as defined in *The Department of Municipal Affairs Act*, for its use or for resale or to the inhabitants thereof for their use, Rev. Stat., c. 96.

and may renew any such contract.

(2) The said section 11 is further amended by adding thereto the following subsection: Rev. Stat., c. 320, s. 11, amended.

(4) Subject to sections 2 to 4, where a municipality contracts to purchase water from a municipal corporation, it may with the consent of the council of the supplying municipality enter upon the lands and streets within the supplying municipality to lay and maintain such pipes as are necessary to obtain the water from the waterworks system of the supplying municipality. Laying of pipes in supplying municipality.

2. Section 24 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 320, s. 24, re-enacted.

24. The corporation may enter into a contract for the supply of a public utility to any person, including a Contracts for supply of utility.

municipality as defined in *The Department of Municipal Affairs Act*, for a term not exceeding 20 years, and may renew any such contract.

Rev. Stat.,
c. 320, s. 35,
subs. 1,
amended.

3. Subsection 1 of section 35 of *The Public Utilities Act* is amended by inserting after the word "utility" in the fifth line the words "and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*", so that the subsection shall read as follows:

Excess of
receipts over
expendi-
tures to be
paid to
municipal
treasurer.

(1) Notwithstanding anything in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired, and thereafter shall form part of the general funds of the municipality.

Rev. Stat.,
c. 243.

Commence-
ment.

4.—(1) This Act, except section 1, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as *The Public Utilities Amendment Act, 1951*.

SECTION 3. Section 35 is amended to agree with an amendment to section 312 of *The Municipal Act* in Bill No. 127 by which local boards may establish reserve funds with the approval of council.





BILL

An Act to amend The Public Utilities Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Utilities Act

MR. DUNBAR

THE UNIVERSITY OF CHICAGO

1870

THE UNIVERSITY OF CHICAGO

No. 122

1951

BILL

An Act to amend The Public Utilities Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 11 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 320, s. 11, subs. 2, re-enacted.

(2) A corporation may enter into a contract for a term not exceeding 20 years for the supply of water, Contracts for supply of water.

(a) to any person within or beyond the limits of the municipality; and

(b) to any other municipality, as defined in *The Department of Municipal Affairs Act*, for its use or for resale or to the inhabitants thereof for their use, Rev. Stat., c. 96.

and may renew any such contract.

(2) The said section 11 is further amended by adding thereto the following subsection: Rev. Stat., c. 320, s. 11, amended.

(4) Subject to sections 2 to 4, where a municipality contracts to purchase water from a municipal corporation, it may with the consent of the council of the supplying municipality enter upon the lands and streets within the supplying municipality to lay and maintain such pipes as are necessary to obtain the water from the waterworks system of the supplying municipality. Laying of pipes in supplying municipality.

2. Section 24 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 320, s. 24, re-enacted.

24. The corporation may enter into a contract for the supply of a public utility to any person, including a Contracts for supply of utility.

municipality as defined in *The Department of Municipal Affairs Act*, for a term not exceeding 20 years, and may renew any such contract.

Rev. Stat.,
c. 320, s. 35,
subs. 1,
amended.

3. Subsection 1 of section 35 of *The Public Utilities Act* is amended by inserting after the word "utility" in the fifth line the words "and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*", so that the subsection shall read as follows:

Excess of
receipts over
expendi-
tures to be
paid to
municipal
treasurer.

(1) Notwithstanding anything in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired, and thereafter shall form part of the general funds of the municipality.

Rev. Stat.,
c. 243.

Commence-
ment.

4.—(1) This Act, except section 1, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as *The Public Utilities Amendment Act, 1951*.



An Act to amend The Public Utilities Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

No. 123

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Local Improvement Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present definition provides that where there is no newspaper in the municipality, publication must be in a newspaper published in the county in which the municipality is situate. Such publication may not be as effective as publication in a municipality in an adjacent municipality. The re-enactment brings the definition into line with the definition in *The Municipal Act*.

SECTION 2. Subsection 9 of section 49 presently provides that where all the rates under the by-law have not been levied, any excess amount realized on debentures shall be used to reduce the rates charged to the lots assessed. Under the amendment in such cases the excess must be used to redeem debentures of the latest maturity.

SECTION 3. Subsection 1 of section 60 authorizes municipalities to provide that the total cost of cleaning, clearing of snow and ice, watering, oiling, sweeping and lighting streets, and certain other services on streets, shall be specially assessed upon the lands abutting on the streets. Subsection 2 is amended to authorize the assumption by the municipality of a part of the cost of any of these works. At present this authority to assume part of the cost is limited to street lighting.

BILL

An Act to amend The Local Improvement Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Local Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 215, s. 1,
cl. *t*,
re-enacted.

- (*t*) "published" means published in a newspaper in the municipality, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" has a corresponding meaning.

2. Subsection 9 of section 49 of *The Local Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 215, s. 49,
subs. 9,
re-enacted.

- (9) When the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied in the manner provided in subsection 2 of section 315 of *The Municipal Act*, unless all the rates have been levied under the by-law in which case the excess sum shall be paid *pro tanto* to the owners, at the time such payment is made, of the land on which the rates were levied.

Disposal of
excess sums.

Rev. Stat.,
c. 243.

3. Subsection 2 of section 60 of *The Local Improvement Act* is amended by striking out the words "street lighting" in the first line and inserting in lieu thereof the words "any of the services mentioned in subsection 1", so that the subsection shall read as follows:

Rev. Stat.,
c. 215, s. 60,
subs. 2,
amended.

- (2) As to any of the services mentioned in subsection 1, the by-law may provide that a part of the annual cost may be assessed upon the lands abutting directly on the street and that the remainder of such cost shall be assumed by the corporation at large.

Municipality
assuming
part of cost.

4. This Act may be cited as *The Local Improvement Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Local
Improvement Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Local Improvement Act

MR. DUNBAR

BILL

An Act to amend The Local Improvement Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Local Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 215, s. 1, cl. *t*, re-enacted.

(*t*) "published" means published in a newspaper in the municipality, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" has a corresponding meaning.

2. Subsection 9 of section 49 of *The Local Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 215, s. 49, subs. 9, re-enacted.

(9) When the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied in the manner provided in subsection 2 of section 315 of *The Municipal Act*, unless all the rates have been levied under the by-law in which case the excess sum shall be paid *pro tanto* to the owners, at the time such payment is made, of the land on which the rates were levied. Disposal of excess sums. Rev. Stat., c. 243.

3. Subsection 2 of section 60 of *The Local Improvement Act* is amended by striking out the words "street lighting" in the first line and inserting in lieu thereof the words "any of the services mentioned in subsection 1", so that the subsection shall read as follows: Rev. Stat., c. 215, s. 60, subs. 2, amended.

(2) As to any of the services mentioned in subsection 1, the by-law may provide that a part of the annual cost may be assessed upon the lands abutting directly on the street and that the remainder of such cost shall be assumed by the corporation at large. Municipality assuming part of cost.

4. This Act may be cited as *The Local Improvement Amendment Act, 1951*. Short title.

BILL

An Act to amend The Local
Improvement Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

No. 124

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Department of Municipal Affairs Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Section 5 of the Act is re-enacted to conform with the practice of the Department of the Provincial Secretary in respect of annual reports.

SECTION 2. This section is to ensure that the Minister has power to make the tax arrears procedures of the Act applicable to school boards in unorganized territory.

SECTION 3. The purpose of the amendment is to ensure that the person assessed as owner is given the right to redeem property registered for arrears of taxes.

BILL

An Act to amend The Department of Municipal Affairs Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Department of Municipal Affairs Act* Rev. Stat., c. 96, s. 5, re-enacted. is repealed and the following substituted therefor:

5.—(1) The Minister shall, after the close of each year, Annual report. file with the Provincial Secretary an annual report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report Tabling. to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. Section 11 of *The Department of Municipal Affairs Act* Rev. Stat., c. 96, s. 11, amended. is amended by adding thereto the following subsection:

(2) The Department may also, in respect of a school School boards in unorganized territory. board in an unorganized township or unsurveyed territory, make an order under clause *b* of subsection 1, and for the purposes of the said clause and the other provisions of this Act respecting tax arrears procedures the school board shall thereupon be deemed to be a municipality.

3. Subsection 1 of section 47 of *The Department of Municipal Affairs Act* Rev. Stat., c. 96, s. 47, subs. 1, amended. is amended by inserting after the word "owner" in the first line the words "or assessed owner", so that the subsection shall read as follows:

(1) The owner or assessed owner of or any person Right of redemption. appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears

certificate has been registered may redeem the land at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 45, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Short title.

4. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1951*.



BILL

An Act to amend The Department of
Municipal Affairs Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

No. 124

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Department of Municipal Affairs Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Department of Municipal Affairs Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Department of Municipal Affairs Act* Rev. Stat.,
c. 96, s. 5,
re-enacted. is repealed and the following substituted therefor:

5.—(1) The Minister shall, after the close of each year, Annual
report. file with the Provincial Secretary an annual report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report Tabling. to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. Section 11 of *The Department of Municipal Affairs Act* Rev. Stat.,
c. 96, s. 11,
amended. is amended by adding thereto the following subsection:

(2) The Department may also, in respect of a school School
boards in
unorganized
territory. board in an unorganized township or unsurveyed territory, make an order under clause *b* of subsection 1, and for the purposes of the said clause and the other provisions of this Act respecting tax arrears procedures the school board shall thereupon be deemed to be a municipality.

3. Subsection 1 of section 47 of *The Department of Municipal Affairs Act* Rev. Stat.,
c. 96, s. 47,
subs. 1,
amended. is amended by inserting after the word "owner" in the first line the words "or assessed owner", so that the subsection shall read as follows:

(1) The owner or assessed owner of or any person Right of
redemption. appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears

certificate has been registered may redeem the land at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 45, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Short title. **4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1951*.

BILL

An Act to amend The Department of
Municipal Affairs Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

No. 125

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Vital Statistics Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Subsection 5 of section 3 of the Act is re-enacted to conform with the practice of the Department of the Provincial Secretary in respect of annual reports.

SECTION 2. This amendment is to permit registration of change of name orders made under a statute of another province, so that birth and marriage registrations may be kept up to date.

BILL

An Act to amend The Vital Statistics Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The Vital Statistics Act* is Rev. Stat., c. 412, s. 3, subs. 5, re-enacted. repealed and the following substituted therefor:
 - (5) The Registrar-General shall, after the close of the Annual report. calendar year, file with the Provincial Secretary a report as to the number of births, marriages, deaths, still-births, adoptions, divorces and changes of names registered during the preceding calendar year.
 - (5a) The Provincial Secretary shall submit the report to Tabling. the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.
2. Subsections 1 and 2 of section 26 of *The Vital Statistics Act* are repealed and the following substituted therefor: Rev. Stat., c. 412, s. 26, subs. 1, 2, re-enacted.
 - (1) Upon receipt of a certified copy of an order trans- Registration of order changing name. mitted under section 17 of *The Change of Name Act*, or a certified copy of an order made under an Act of another province changing the name of any person Rev. Stat., c. 47. who was born or married in Ontario, the Registrar-General shall register the order.
 - (2) If the birth or marriage of a person whose name is Notation of change on registrations. changed by the order is or becomes registered in Ontario, the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order.

Rev. Stat.,
c. 412, s. 33,
subss. 4, 5,
re-enacted;
subss. 6,
repealed.

Sub-
registrars.

3. Subsections 4, 5 and 6 of section 33 of *The Vital Statistics Act* are repealed and the following substituted therefor:

- (4) A division registrar may, with the approval of the Registrar-General, appoint sub-registrars for the special purpose of issuing burial permits upon the delivery of a completed statement of personal particulars and medical certificate and upon payment of a special fee of 25 cents.

Sub-
registrar to
forward
documents.

- (5) A sub-registrar shall forthwith transmit the statement of personal particulars and the medical certificate to the division registrar by whom he was appointed.

Short title.

4. This Act may be cited as *The Vital Statistics Amendment Act, 1951*.

SECTION 3. This amendment simplifies the method of appointment and procedure of sub-registrars appointed to issue burial permits in emergencies or where local conditions require that a sub-registrar be appointed for such purpose.



BILL

An Act to amend The Vital Statistics Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

No. 125

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Vital Statistics Act

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO

3112

THE UNIVERSITY OF CHICAGO

1891

BILL

An Act to amend The Vital Statistics Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 3 of *The Vital Statistics Act* is repealed and the following substituted therefor: Rev. Stat., c. 412, s. 3, subs. 5, re-enacted.

(5) The Registrar-General shall, after the close of the calendar year, file with the Provincial Secretary a report as to the number of births, marriages, deaths, still-births, adoptions, divorces and changes of names registered during the preceding calendar year. Annual report.

(5a) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. Tabling.

2. Subsections 1 and 2 of section 26 of *The Vital Statistics Act* are repealed and the following substituted therefor: Rev. Stat., c. 412, s. 26, subs. 1, 2, re-enacted.

(1) Upon receipt of a certified copy of an order transmitted under section 17 of *The Change of Name Act*, or a certified copy of an order made under an Act of another province changing the name of any person who was born or married in Ontario, the Registrar-General shall register the order. Registration of order changing name. Rev. Stat., c. 47.

(2) If the birth or marriage of a person whose name is changed by the order is or becomes registered in Ontario, the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order. Notation of change in registrations.

Rev. Stat.,
c. 412, s. 33,
subss. 4, 5,
re-enacted;
subs. 6,
repealed.

Sub-
registrars.

Sub-
registrar to
forward
documents.

Short title.

3. Subsections 4, 5 and 6 of section 33 of *The Vital Statistics Act* are repealed and the following substituted therefor:

(4) A division registrar may, with the approval of the Registrar-General, appoint sub-registrars for the special purpose of issuing burial permits upon the delivery of a completed statement of personal particulars and medical certificate and upon payment of a special fee of 25 cents.

(5) A sub-registrar shall forthwith transmit the statement of personal particulars and the medical certificate to the division registrar by whom he was appointed.

4. This Act may be cited as *The Vital Statistics Amendment Act, 1951*.



1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Assessment Act

MR. DUNBAR

EXPLANATORY NOTE

SECTION 1. This subsection, dealing with the exemption of farm lands from certain taxation, is recast to bring it up to date. The only changes in principle are the fixing of a specific date by which the by-law establishing the exemptions must be passed, and the removal of the requirement that a person desiring exemption must give notice before the passing of the by-law. In addition a right of appeal is given from the county judge to the Municipal Board.

BILL

An Act to amend The Assessment Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 35, re-enacted.

- 35.—(1) In any municipality where lands held and used as farm lands only and in blocks of not less than five acres by any one person are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements, of the character hereinafter mentioned, in the municipality as other lands therein generally, the council shall annually before the 1st day of March pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for water-works, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them. Exemption of farm lands from taxation for certain expenditures.
- (2) The clerk shall forthwith notify by registered mail each person affected by the by-law as to what exemption is provided for his lands by the by-law. Notice.
- (3) Any person complaining that the by-law does not exempt or sufficiently exempt him or his lands from taxation may within fourteen days after the mailing of the notice notify the clerk of the municipality of his intention to appeal against the provisions of the by-law, or any of them, to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the by-law and to determine the matter of complaint in accordance with the spirit and intent of this section. Appeal against by-law.

Appeal
where no
by-law
passed.

- (4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality of his intention to appeal to the judge of the county court, who shall have full power to entertain the appeal and may make an order declaring what part, if any, of the lands of the person appealing shall be exempt or partly exempt from taxation, and the clerk shall prepare or amend the collector's roll in accordance with the order.

Procedure
on appeals.

- (5) The provisions of this Act as to appeals from a court of revision to the county judge and as to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed upon appeals under this section and the amendment of the by-law thereon.

Assessment
appeals not
affected.

- (6) Nothing in subsections 3, 4 and 5 shall be deemed to prevent or affect any right of appeal against an assessment.

Notice of
decision and
appeal.

- (7) The clerk shall cause notice of the decision on any appeal under this section to be given by registered mail to the appellant, and an appeal shall lie from the decision of the judge to the Ontario Municipal Board which shall have the powers of the judge under this section, and the provisions of section 80 shall apply, *mutatis mutandis*, to the appeal.

Rev. Stat.,
c. 24, s. 44,
subs. 1,
amended.

2. Subsection 1 of section 44 of *The Assessment Act* is amended by inserting after the word "February" in the second line the words "to the assessment commissioner, or if none," and by striking out all the words after the word "mentioned" in the twenty-first line and inserting in lieu thereof the words "and where the clerk receives the statement he shall forward it to the assessor", so that the subsection shall read as follows:

Railway
companies to
furnish
certain
statements
to clerks of
municipalities.

- (1) Every steam railway company shall transmit annually on or before the 1st day of February to the assessment commissioner, or if none, to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,

- (a) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;

SECTION 2. This amendment requires railways to make their returns to the assessment commissioner if there is one.

SECTION 3. Section 51 was first enacted in 1942 and has been used more and more by municipalities. Its purpose is to overcome the possibility of persons escaping taxation for long periods due to the present system of assessing in one year and levying taxes on such assessments in the following year. The re-enactment of the section as two new sections distinguishes clearly between new assessments made in one year for taxation in that year, and new assessments made after the return of the roll for taxation in the following year. In addition the matter of distribution of amounts levied among bodies requisitioning council for funds is clarified. In the case of assessments made for current taxation, only those bodies for which the council is by law required to levy rates will share, and the share is to be set up as a credit to the bodies to reduce the levy of the next year, and the balance after setting up the credits is taken into the general funds of the municipality.

- (b) the vacant land not in actual use by the company and the value thereof;
- (c) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same;
- (d) the real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned,

and where the clerk receives the statement he shall forward it to the assessor.

3. Section 51 if *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 51.
re-enacted.

51.—(1) The clerk of the municipality shall, after the 1st day of January and before the 28th day of ~~November~~ in any year, enter in the collector's roll,

Addition to
collector's
roll.

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
- (b) the value, as certified by the assessor, of any building or land or portion thereof which after the 1st day of January ceases to be exempt from taxation; and
- (c) the name of any person who after the 1st day of January commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.

(2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes which would have been levied for the current year if the assessment had been made in the usual way,

Amount of
taxes.

and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the notice provided for in subsection 3 is delivered or sent, bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Notice and
appeals.

- (3) Where an entry is made or is to be made in the collector's roll under this section, the clerk shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Distribution.

- (4) Where taxes are levied under this section,
- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
 - (b) the amount credited to a body under clause *a* shall be used to reduce the levy for the purposes of that body in the next succeeding year;
 - (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
 - (d) in making the distribution as provided in this subsection each body and the municipality shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Treasurer's
statement.

- (5) The treasurer, upon crediting an amount to any body under clause *a* of subsection 4, shall deliver to that body a statement sufficient to enable the body to determine the correctness of the credit.

Additions to
assessment
roll.

- 51a.—(1) The clerk of the municipality shall, after the return of the assessment roll and on or before the 31st day of December in any year, add to the assessment roll, at the end thereof,

SECTION 4. These amendments make it clear that the approval of the Department to a by-law extending the time for the return of the assessment roll need not precede the passing of the by-law.

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
 - (b) the value, as certified by the assessor, of any building or land or portion thereof which after the return of the roll ceases to be exempt from taxation; and
 - (c) the name of any person who after the return of the roll commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.
- (2) Where an addition is made to the assessment roll under this section, the clerk shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way. Notice and appeals.
- (3) Notwithstanding section 54, where additions are made to an assessment roll under this section, the last revised assessment roll shall, Last revised assessment roll, what to include.
- (a) for the purpose of fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and
 - (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under clauses *a* and *b* of subsection 1.

4.—(1) Subsection 6 of section 53 of *The Assessment Act* is amended by striking out the words "passed with the approval of" in the fifth and sixth lines and inserting in lieu thereof the words "approved by", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 53, subs. 6, amended.

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, Special extension of time for return of assessment roll.

by by-law approved by the Department, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat.,
c. 24, s. 53,
subs. 7,
re-enacted.

(2) Subsection 7 of the said section 53 is repealed and the following substituted therefor:

Time of
passing and
approval.

(7) No by-law passed under subsection 6 shall be valid unless it is both passed by the council and approved by the Department on or before the 1st day of October.

Rev. Stat.,
c. 24, s. 55,
re-enacted.

5. Section 55 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of annexed
areas.

55.—(1) Where any land is detached from one municipality and annexed to another municipality after the return of the assessment roll of the latter municipality, the council of the latter municipality shall pass a by-law in the year in which taxation is to be levied on that assessment roll adopting the assessments of the lands annexed, as last revised while they were part of the first-mentioned municipality, as the basis of the assessment of such lands for taxation in that year by the municipality to which the lands are annexed.

Notice of
assessment
and appeals.

(2) The clerk of the municipality, forthwith after the passing of the by-law under subsection 1, shall deliver or send by registered letter post to every person assessed in respect of the lands annexed, a notice setting out the amount of the assessment, and the same rights in respect of appeal shall apply as if the assessment had been made in the usual way notwithstanding that the person assessed did not appeal, or notwithstanding the disposition of any appeal taken, as the case may be, in respect of the assessment while the lands were a part of the municipality from which they became detached.

Rev. Stat.,
c. 24, s. 73,
amended.

6. Section 73 of *The Assessment Act* is amended by striking out all the words after the word "appeal" in the sixth line, so that the section shall read as follows:

Assessment
roll to be
produced to
the court.

73. At the court to be held by the county judge, or acting judge of the court, to hear the appeals here-

SECTION 5. This section is re-enacted to bring it into line with the present requirement of assessment in one year for taxation in the next year. The section covers cases where an annexation is effective too late in the year to assess the annexed lands in the usual way. At present the section permits the annexing municipality to adopt the assessment made in the municipality from which the lands are detached but does not permit any appeal against the assessment. The re-enacted section will require notice of assessment and will give a right of appeal which will remove the inequitable situation which arises when the basis of assessment in the annexing municipality is substantially different from the basis used in the municipality from which the lands are detached.

SECTION 6. The words struck out deal with the manner of making alterations in the assessment roll after the decision of the county judge on an appeal from the court of revision. These matters are now dealt with in section 79 as re-enacted by section 7 of this Bill.

SECTION 7. The substantive changes in the re-enactment of this section are, first that the clerk makes all amendments to the roll, rather than only those where the decision has been reserved, and second, written notice of the decision is given in all cases, rather than only those where the decision has been reserved. The provisions in this respect are now the same as the like provisions in the case of appeals to the court of revision.

SECTION 8: subsection 1. This amendment is complementary to the re-enactment of section 51 by section 3 of this Bill.

Subsection 2. This amendment is complementary to an amendment to section 69 in 1950 and the re-enactment of section 79 by section 7 of this Bill, whereby notice of the decision of the court of revision or of the county judge must be given whether or not the decision is reserved.

inbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal.

7. Section 79 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 79, re-enacted.

79.—(1) The clerk shall alter and amend the assessment roll in accordance with the decisions of the judge, and shall write his name or initials against every alteration or amendment. Alteration of roll by clerk.

(2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given. Notice of decision.

8.—(1) Subsection 2 of section 80 of *The Assessment Act* is amended by inserting after the figures "51" in the sixth line the figures "51a", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 2, amended.

(2) An appeal shall also lie to the Ontario Municipal Board from a decision, Appeal under ss. 50, 51, 51a and 124.

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 50, 51, 51a and 124.

(2) Subsection 4 of the said section 80 is amended by striking out the words "within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved" in the fifth, sixth and seventh lines and by striking out the figure "1" in the ninth line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 4, amended.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after notice thereof has been given by the clerk under subsection 22 of section 69 or subsection 2 of section 79, as the case may be. Notice of appeal.

Rev. Stat.,
c. 24, s. 112,
re-enacted. **9.** Section 112 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of
address for
tax bills.

112. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of registration to the taxes, and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 24, s. 120,
subs. 1,
re-enacted;
subs. 2,
repealed.

10. Subsections 1 and 2 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Dates for
return of
collector's
roll.

- (1) Subject to subsection 3, every collector shall return his roll to the treasurer on or before the 30th day of April in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

Rev. Stat.,
c. 1, s. 126,
subs. 1,
amended.

11.—(1) Subsection 1 of section 126 of *The Assessment Act* is amended by striking out the word "fourteen" in the fourth line and inserting in lieu thereof the word "thirty" and by striking out the words "and before the 8th day of April" in the fifth and sixth lines, so that the subsection shall read as follows:

Statement
to be
furnished to
county
treasurer.

- (1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended.

(2) Subsection 2 of the said section 126 is amended by striking out the words "8th day of April" in the sixth line and inserting in lieu thereof the words "7th day of June", so that the subsection shall read as follows:

Contents of
statement.

- (2) Such statement shall contain a description of the lots or parcels of land; a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 132, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

SECTION 9. At present the notice is required to be given to the assessment commissioner or the clerk. As this is a matter primarily connected with the collector's roll, there is no advantage in forwarding it to the assessment commissioner.

SECTION 10. This amendment makes the latest date for the return of the collector's roll uniform in all municipalities other than cities.

SECTION 11. These subsections require the furnishing, to the county treasurer, of a statement respecting unpaid taxes. Since section 120 is amended (in section 10 of this Bill) to permit the return of the collector's roll as late as April 30th, it is necessary to extend the time for the furnishing of the statement.

SECTION 12. Self-explanatory.

SECTION 13. The repealed section provides that where grants are made to municipalities in lieu of taxes on property or persons exempt from taxation, the grant shall be apportioned among the bodies to which the taxes on such person or property would have been applied if the exemption had not existed.

12. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 24,
amended.

230a. Where assessment rolls, assessment notices, collector's rolls and tax notices are not prepared by mechanical methods, they shall be written in ink and any corrections, alterations or amendments of such rolls or notices shall be written in ink and initialled by the person making the change with the date of the change clearly shown. Preparation
of rolls, etc.,
in ink.

13. Section 236 of *The Assessment Act* is repealed. Rev. Stat.,
c. 24, s. 236,
repealed.

14.—(1) This Act, except sections 1, 2, 10, 11 and 12, shall come into force on the day it receives the Royal Assent. Commence-
ment.

(2) Sections 1, 2, 10, 11 and 12 shall come into force on the 1st day of January, 1952. Idem.

15. This Act may be cited as *The Assessment Amendment Act, 1951*. Short title.

BILL

An Act to amend The Assessment Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

No. 126

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Assessment Act

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. This subsection, dealing with the exemption of farm lands from certain taxation, is recast to bring it up to date. The only changes in principle are the fixing of a specific date by which the by-law establishing the exemptions must be passed, and the removal of the requirement that a person desiring exemption must give notice before the passing of the by-law. In addition a right of appeal is given from the county judge to the Municipal Board.

BILL

An Act to amend The Assessment Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 35,
re-enacted.

- 35.—(1) In any municipality where lands held and used as farm lands only and in blocks of not less than five acres by any one person are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements, of the character hereinafter mentioned, in the municipality as other lands therein generally, the council shall annually before the 1st day of March pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for water-works, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them. Exemption
of farm
lands from
taxation for
certain
expenditures.
- (2) The clerk shall forthwith notify by registered mail each person affected by the by-law as to what exemption is provided for his lands by the by-law. Notice.
- (3) Any person complaining that the by-law does not exempt or sufficiently exempt him or his lands from taxation may within fourteen days after the mailing of the notice notify the clerk of the municipality of his intention to appeal against the provisions of the by-law, or any of them, to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the by-law and to determine the matter of complaint in accordance with the spirit and intent of this section. Appeal
against
by-law.

Appeal
where no
by-law
passed.

- (4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality of his intention to appeal to the judge of the county court, who shall have full power to entertain the appeal and may make an order declaring what part, if any, of the lands of the person appealing shall be exempt or partly exempt from taxation, and the clerk shall prepare or amend the collector's roll in accordance with the order.

Procedure
on appeals.

- (5) The provisions of this Act as to appeals from a court of revision to the county judge and as to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed upon appeals under this section and the amendment of the by-law thereon.

Assessment
appeals not
affected.

- (6) Nothing in subsections 3, 4 and 5 shall be deemed to prevent or affect any right of appeal against an assessment.

Notice of
decision and
appeal.

- (7) The clerk shall cause notice of the decision on any appeal under this section to be given by registered mail to the appellant, and an appeal shall lie from the decision of the judge to the Ontario Municipal Board which shall have the powers of the judge under this section, and the provisions of section 80 shall apply, *mutatis mutandis*, to the appeal.

Rev. Stat.,
c. 24, s. 44,
subs. 1,
amended.

2. Subsection 1 of section 44 of *The Assessment Act* is amended by inserting after the word "February" in the second line the words "to the assessment commissioner, or if none," and by striking out all the words after the word "mentioned" in the twenty-first line and inserting in lieu thereof the words "and where the clerk receives the statement he shall forward it to the assessor", so that the subsection shall read as follows:

Railway
companies
to furnish
certain
statements
to clerks of
municipalities.

- (1) Every steam railway company shall transmit annually on or before the 1st day of February to the assessment commissioner, or if none, to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,

- (a) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;

SECTION 2. This amendment requires railways to make their returns to the assessment commissioner if there is one.

SECTION 3. Section 51 was first enacted in 1942 and has been used more and more by municipalities. Its purpose is to overcome the possibility of persons escaping taxation for long periods due to the present system of assessing in one year and levying taxes on such assessments in the following year. The re-enactment of the section as two new sections distinguishes clearly between new assessments made in one year for taxation in that year, and new assessments made after the return of the roll for taxation in the following year. In addition the matter of distribution of amounts levied among bodies requisitioning council for funds is clarified. In the case of assessments made for current taxation, only those bodies for which the council is by law required to levy rates will share, and the share is to be set up as a credit to the bodies to reduce the levy of the next year, and the balance after setting up the credits is taken into the general funds of the municipality.

- (b) the vacant land not in actual use by the company and the value thereof;
- (c) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same;
- (d) the real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned,

and where the clerk receives the statement he shall forward it to the assessor.

3. Section 51 if *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 51,
re-enacted.

51.—(1) The clerk of the municipality shall, after the 1st day of January and before the 28th day of November in any year, enter in the collector's roll, Addition to
collector's
roll.

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
- (b) the value, as certified by the assessor, of any building or land or portion thereof which after the 1st day of January ceases to be exempt from taxation; and
- (c) the name of any person who after the 1st day of January commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.

(2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes which would have been levied for the current year if the assessment had been made in the usual way, Amount of
taxes.

and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the notice provided for in subsection 3 is delivered or sent, bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Notice and
appeals.

- (3) Where an entry is made or is to be made in the collector's roll under this section, the clerk shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Distribution.

- (4) Where taxes are levied under this section,
- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
 - (b) the amount credited to a body under clause *a* shall be used to reduce the levy for the purposes of that body in the next succeeding year;
 - (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
 - (d) in making the distribution as provided in this subsection each body and the municipality shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Treasurer's
statement.

- (5) The treasurer, upon crediting an amount to any body under clause *a* of subsection 4, shall deliver to that body a statement sufficient to enable the body to determine the correctness of the credit.

Additions to
assessment
roll.

- 51a.—(1) The clerk of the municipality shall, after the return of the assessment roll and on or before the 31st day of December in any year, add to the assessment roll, at the end thereof,

SECTION 4. These amendments make it clear that the approval of the Department to a by-law extending the time for the return of the assessment roll need not precede the passing of the by-law.

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
 - (b) the value, as certified by the assessor, of any building or land or portion thereof which after the return of the roll ceases to be exempt from taxation; and
 - (c) the name of any person who after the return of the roll commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.
- (2) Where an addition is made to the assessment roll under this section, the clerk shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way. Notice and appeals.
- (3) Notwithstanding section 54, where additions are made to an assessment roll under this section, the last revised assessment roll shall, Last revised assessment roll, what to include.
- (a) for the purpose of fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and
 - (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under clauses *a* and *b* of subsection 1.

4.—(1) Subsection 6 of section 53 of *The Assessment Act* is amended by striking out the words “passed with the approval of” in the fifth and sixth lines and inserting in lieu thereof the words “approved by”, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 53, subs. 6, amended.

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, Special extension of time for return of assessment roll.

by by-law approved by the Department, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat.,
c. 24, s. 53,
subs. 7,
re-enacted.

(2) Subsection 7 of the said section 53 is repealed and the following substituted therefor:

Time of
passing and
approval.

(7) No by-law passed under subsection 6 shall be valid unless it is both passed by the council and approved by the Department on or before the 1st day of October.

Rev. Stat.,
c. 24, s. 55,
re-enacted.

5. Section 55 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of annexed
areas.

55.—(1) Where any land is detached from one municipality and annexed to another municipality after the return of the assessment roll of the latter municipality, the council of the latter municipality shall pass a by-law in the year in which taxation is to be levied on that assessment roll adopting the assessments of the lands annexed, as last revised while they were part of the first-mentioned municipality, as the basis of the assessment of such lands for taxation in that year by the municipality to which the lands are annexed.

Notice of
assessment
and appeals.

(2) The clerk of the municipality, forthwith after the passing of the by-law under subsection 1, shall deliver or send by registered letter post to every person assessed in respect of the lands annexed, a notice setting out the amount of the assessment, and the same rights in respect of appeal shall apply as if the assessment had been made in the usual way notwithstanding that the person assessed did not appeal, or notwithstanding the disposition of any appeal taken, as the case may be, in respect of the assessment while the lands were a part of the municipality from which they became detached.

Rev. Stat.,
c. 24, s. 73,
amended.

6. Section 73 of *The Assessment Act* is amended by striking out all the words after the word "appeal" in the sixth line, so that the section shall read as follows:

Assessment
roll to be
produced to
the court.

73. At the court to be held by the county judge, or acting judge of the court, to hear the appeals here-

SECTION 5. This section is re-enacted to bring it into line with the present requirement of assessment in one year for taxation in the next year. The section covers cases where an annexation is effective too late in the year to assess the annexed lands in the usual way. At present the section permits the annexing municipality to adopt the assessment made in the municipality from which the lands are detached but does not permit any appeal against the assessment. The re-enacted section will require notice of assessment and will give a right of appeal which will remove the inequitable situation which arises when the basis of assessment in the annexing municipality is substantially different from the basis used in the municipality from which the lands are detached.

SECTION 6. The words struck out deal with the manner of making alterations in the assessment roll after the decision of the county judge on an appeal from the court of revision. These matters are now dealt with in section 79 as re-enacted by section 7 of this Bill.

SECTION 7. The substantive changes in the re-enactment of this section are, first that the clerk makes all amendments to the roll, rather than only those where the decision has been reserved, and second, written notice of the decision is given in all cases, rather than only those where the decision has been reserved. The provisions in this respect are now the same as the like provisions in the case of appeals to the court of revision.

SECTION 8: subsection 1. This amendment is complementary to the re-enactment of section 51 by section 3 of this Bill.

Subsection 2. This amendment is complementary to an amendment to section 69 in 1950 and the re-enactment of section 79 by section 7 of this Bill, whereby notice of the decision of the court of revision or of the county judge must be given whether or not the decision is reserved.

inbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal.

7. Section 79 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 79, re-enacted.

79.—(1) The clerk shall alter and amend the assessment roll in accordance with the decisions of the judge, and shall write his name or initials against every alteration or amendment. Alteration of roll by clerk.

(2) When the judge has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given. Notice of decision.

8.—(1) Subsection 2 of section 80 of *The Assessment Act* is amended by inserting after the figures "51" in the sixth line the figures "51a", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 2, amended.

(2) An appeal shall also lie to the Ontario Municipal Board from a decision, Appeal under ss. 50, 51, 51a and 124.

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 50, 51, 51a and 124.

(2) Subsection 4 of the said section 80 is amended by striking out the words "within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved" in the fifth, sixth and seventh lines and by striking out the figure "1" in the ninth line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 4, amended.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after notice thereof has been given by the clerk under subsection 22 of section 69 or subsection 2 of section 79, as the case may be. Notice of appeal.

Rev. Stat.,
c. 24, s. 112,
re-enacted.

9. Section 112 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of
address for
tax bills.

112. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of registration to the taxes, and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 24, s. 120,
subs. 1,
re-enacted;
subs. 2,
repealed.

10. Subsections 1 and 2 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Dates for
return of
collector's
roll.

(1) Subject to subsection 3, every collector shall return his roll to the treasurer on or before the 30th day of April in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

Rev. Stat.,
c. 24, s. 126,
subs. 1,
amended.

11.—(1) Subsection 1 of section 126 of *The Assessment Act* is amended by striking out the word "fourteen" in the fourth line and inserting in lieu thereof the word "thirty" and by striking out the words "and before the 8th day of April" in the fifth and sixth lines, so that the subsection shall read as follows:

Statement
to be
furnished to
county
treasurer.

(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended.

(2) Subsection 2 of the said section 126 is amended by striking out the words "8th day of April" in the sixth line and inserting in lieu thereof the words "7th day of June", so that the subsection shall read as follows:

Contents of
statement.

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 132, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

SECTION 9. At present the notice is required to be given to the assessment commissioner or the clerk. As this is a matter primarily connected with the collector's roll, there is no advantage in forwarding it to the assessment commissioner.

SECTION 10. This amendment makes the latest date for the return of the collector's roll uniform in all municipalities other than cities.

SECTION 11. These subsections require the furnishing, to the county treasurer, of a statement respecting unpaid taxes. Since section 120 is amended (in section 10 of this Bill) to permit the return of the collector's roll as late as April 30th, it is necessary to extend the time for the furnishing of the statement.

SECTION 12. Self-explanatory.

SECTION 13. The repealed section provides that where grants are made to municipalities in lieu of taxes on property or persons exempt from taxation, the grant shall be apportioned among the bodies to which the taxes on such person or property would have been applied if the exemption had not existed.

12. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 24,
amended.

230a. Where assessment rolls, assessment notices, collector's rolls and tax notices are not prepared by mechanical methods, they shall be written in ink and any corrections, alterations or amendments of such rolls or notices shall be written in ink and initialled by the person making the change with the date of the change clearly shown. Preparation
of rolls, etc.,
in ink.

13. Section 236 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24, s. 236,
repealed.

14.—(1) This Act, except sections 1, 2, 10, 11, 12 and 13, shall come into force on the day it receives the Royal Assent. Commence-
ment.

(2) Sections 1, 2, 10, 11 and 12 shall come into force on the 1st day of January, 1952. Idem.

(3) Section 13 shall be deemed to have come into force on the 1st day of January, 1951. Idem.

15. This Act may be cited as *The Assessment Amendment Act, 1951*. Short title.

BILL

An Act to amend The Assessment Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

MR. DUNBAR

(Reprinted as amended by the Committee on
Municipal Law)

No. 126

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Assessment Act

MR. DUNBAR

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BILL

An Act to amend The Assessment Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 35,
re-enacted.

- 35.—(1) In any municipality where lands held and used as farm lands only and in blocks of not less than five acres by any one person are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements, of the character hereinafter mentioned, in the municipality as other lands therein generally, the council shall annually before the 1st day of March pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for water-works, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them. Exemption
of farm
lands from
taxation for
certain
expenditures
- (2) The clerk shall forthwith notify by registered mail each person affected by the by-law as to what exemption is provided for his lands by the by-law. Notice.
- (3) Any person complaining that the by-law does not exempt or sufficiently exempt him or his lands from taxation may within fourteen days after the mailing of the notice notify the clerk of the municipality of his intention to appeal against the provisions of the by-law, or any of them, to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the by-law and to determine the matter of complaint in accordance with the spirit and intent of this section. Appeal
against
by-law.

Appeal
where no
by-law
passed.

- (4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality of his intention to appeal to the judge of the county court, who shall have full power to entertain the appeal and may make an order declaring what part, if any, of the lands of the person appealing shall be exempt or partly exempt from taxation, and the clerk shall prepare or amend the collector's roll in accordance with the order.

Procedure
on appeals.

- (5) The provisions of this Act as to appeals from a court of revision to the county judge and as to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed upon appeals under this section and the amendment of the by-law thereon.

Assessment
appeals not
affected.

- (6) Nothing in subsections 3, 4 and 5 shall be deemed to prevent or affect any right of appeal against an assessment.

Notice of
decision and
appeal.

- (7) The clerk shall cause notice of the decision on any appeal under this section to be given by registered mail to the appellant, and an appeal shall lie from the decision of the judge to the Ontario Municipal Board which shall have the powers of the judge under this section, and the provisions of section 80 shall apply, *mutatis mutandis*, to the appeal.

Rev. Stat.,
c. 24, s. 44,
subs. 1,
amended.

2. Subsection 1 of section 44 of *The Assessment Act* is amended by inserting after the word "February" in the second line the words "to the assessment commissioner, or if none," and by striking out all the words after the word "mentioned" in the twenty-first line and inserting in lieu thereof the words "and where the clerk receives the statement he shall forward it to the assessor", so that the subsection shall read as follows:

Railway
companies
to furnish
certain
statements
to clerks of
municipalities.

- (1) Every steam railway company shall transmit annually on or before the 1st day of February to the assessment commissioner, or if none, to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,
- (a) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;

- (b) the vacant land not in actual use by the company and the value thereof;
- (c) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same;
- (d) the real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned,

and where the clerk receives the statement he shall forward it to the assessor.

3. Section 51 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 51,
re-enacted.

51.—(1) The clerk of the municipality shall, after the 1st day of January and before the 28th day of November in any year, enter in the collector's roll, Addition to
collector's
roll.

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
- (b) the value, as certified by the assessor, of any building or land or portion thereof which after the 1st day of January ceases to be exempt from taxation; and
- (c) the name of any person who after the 1st day of January commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.

(2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes which would have been levied for the current year if the assessment had been made in the usual way, Amount of
taxes.

and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the notice provided for in subsection 3 is delivered or sent, bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Notice and
appeals.

- (3) Where an entry is made or is to be made in the collector's roll under this section, the clerk shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Distribution.

- (4) Where taxes are levied under this section,
- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
 - (b) the amount credited to a body under clause *a* shall be used to reduce the levy for the purposes of that body in the next succeeding year;
 - (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
 - (d) in making the distribution as provided in this subsection each body and the municipality shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Treasurer's
statement.

- (5) The treasurer, upon crediting an amount to any body under clause *a* of subsection 4, shall deliver to that body a statement sufficient to enable the body to determine the correctness of the credit.

Additions to
assessment
roll.

- 51a.—(1) The clerk of the municipality shall, after the return of the assessment roll and on or before the 31st day of December in any year, add to the assessment roll, at the end thereof,

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
 - (b) the value, as certified by the assessor, of any building or land or portion thereof which after the return of the roll ceases to be exempt from taxation; and
 - (c) the name of any person who after the return of the roll commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.
- (2) Where an addition is made to the assessment roll under this section, the clerk shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way. Notice and appeals.
- (3) Notwithstanding section 54, where additions are made to an assessment roll under this section, the last revised assessment roll shall, Last revised assessment roll, what to include.
- (a) for the purpose of fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and
 - (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under clauses *a* and *b* of subsection 1.

4.—(1) Subsection 6 of section 53 of *The Assessment Act* is amended by striking out the words “passed with the approval of” in the fifth and sixth lines and inserting in lieu thereof the words “approved by”, so that the subsection shall read as follows: Rev. Stat., c. 24, s. 53, subs. 6, amended.

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, Special extension of time for return of assessment roll.

by by-law approved by the Department, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat.,
c. 24, s. 53,
subs. 7,
re-enacted.

(2) Subsection 7 of the said section 53 is repealed and the following substituted therefor:

Time of
passing and
approval.

(7) No by-law passed under subsection 6 shall be valid unless it is both passed by the council and approved by the Department on or before the 1st day of October.

Rev. Stat.,
c. 24, s. 55,
re-enacted.

5. Section 55 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of annexed
areas.

55.—(1) Where any land is detached from one municipality and annexed to another municipality after the return of the assessment roll of the latter municipality, the council of the latter municipality shall pass a by-law in the year in which taxation is to be levied on that assessment roll adopting the assessments of the lands annexed, as last revised while they were part of the first-mentioned municipality, as the basis of the assessment of such lands for taxation in that year by the municipality to which the lands are annexed.

Notice of
assessment
and appeals.

(2) The clerk of the municipality, forthwith after the passing of the by-law under subsection 1, shall deliver or send by registered letter post to every person assessed in respect of the lands annexed, a notice setting out the amount of the assessment, and the same rights in respect of appeal shall apply as if the assessment had been made in the usual way notwithstanding that the person assessed did not appeal, or notwithstanding the disposition of any appeal taken, as the case may be, in respect of the assessment while the lands were a part of the municipality from which they became detached.

Rev. Stat.,
c. 24, s. 73,
amended.

6. Section 73 of *The Assessment Act* is amended by striking out all the words after the word "appeal" in the sixth line, so that the section shall read as follows:

Assessment
roll to be
produced to
the court.

73. At the court to be held by the county judge, or acting judge of the court, to hear the appeals here-

inbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal.

7. Section 79 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 79, re-enacted.

79.—(1) The clerk shall alter and amend the assessment roll in accordance with the decisions of the judge, Alteration of roll by clerk. and shall write his name or initials against every alteration or amendment.

(2) When the judge has heard and decided an appeal, Notice of decision. the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given.

8.—(1) Subsection 2 of section 80 of *The Assessment Act* is amended by inserting after the figures "51" in the sixth line the figures "51a", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 2, amended.

(2) An appeal shall also lie to the Ontario Municipal Board from a decision, Appeal under ss. 50, 51, 51a and 124.

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 50, 51, 51a and 124.

(2) Subsection 4 of the said section 80 is amended by striking out the words "within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved" in the fifth, sixth and seventh lines and by striking out the figure "1" in the ninth line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows: Rev. Stat., c. 24, s. 80, subs. 4, amended.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after notice thereof has been given by the clerk under subsection 22 of section 69 or subsection 2 of section 79, as the case may be. Notice of appeal.

Rev. Stat.,
c. 24, s. 112,
re-enacted.

9. Section 112 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of
address for
tax bills.

112. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of registration to the taxes, and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 24, s. 120,
subs. 1,
re-enacted;
subs. 2,
repealed.

10. Subsections 1 and 2 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Dates for
return of
collector's
roll.

(1) Subject to subsection 3, every collector shall return his roll to the treasurer on or before the 30th day of April in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

Rev. Stat.,
c. 24, s. 126,
subs. 1,
amended.

11.—(1) Subsection 1 of section 126 of *The Assessment Act* is amended by striking out the word "fourteen" in the fourth line and inserting in lieu thereof the word "thirty" and by striking out the words "and before the 8th day of April" in the fifth and sixth lines, so that the subsection shall read as follows:

Statement
to be
furnished to
county
treasurer.

(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended.

(2) Subsection 2 of the said section 126 is amended by striking out the words "8th day of April" in the sixth line and inserting in lieu thereof the words "7th day of June", so that the subsection shall read as follows:

Contents of
statement.

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 132, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

12. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 24,
amended.

230a. Where assessment rolls, assessment notices, collector's rolls and tax notices are not prepared by mechanical methods, they shall be written in ink and any corrections, alterations or amendments of such rolls or notices shall be written in ink and initialled by the person making the change with the date of the change clearly shown. Preparation
of rolls, etc.,
in ink.

13. Section 236 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24, s. 236,
repealed.

14.—(1) This Act, except sections 1, 2, 10, 11, 12 and 13, shall come into force on the day it receives the Royal Assent. Commence-
ment.

(2) Sections 1, 2, 10, 11 and 12 shall come into force on the 1st day of January, 1952. Idem.

(3) Section 13 shall be deemed to have come into force on the 1st day of January, 1951. Idem.

15. This Act may be cited as *The Assessment Amendment Act, 1951*. Short title.

BILL

An Act to amend The Assessment Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

No. 127

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Municipal Act

MR. DUNBAR

TORONTO

**PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY**

EXPLANATORY NOTES

SECTION 1. The present section requires the use of the latest census of Canada in determining population. *The Assessment Act* now requires the assessor to make a census annually. This amendment authorizes the use of the municipal census for determining the constitution of the council.

SECTION 2. At present the council of a village or township divided into wards must consist of a reeve elected by general vote, and a deputy reeve and councillor for each ward. This may result in too large a council where there are five wards. The amendment permits an alternative composition of council.

BILL

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 52, re-enacted.

52. For the purposes of sections 49 to 51, the population shall be determined by the latest census made by the assessor under *The Assessment Act*. Population. Rev. Stat., c. 24.

2. Section 53 of *The Municipal Act* is amended by adding thereto the following subsections: Rev. Stat., c. 243, s. 53, amended.

(5) The council of a village or township in a county and divided into wards may by by-law provide that thereafter the council, instead of being composed as provided in subsection 3, shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000. Alternative composition where wards.

(6) A by-law passed under subsection 5 shall not be repealed until at least two annual elections have been held under it. Repeal.

(7) A by-law for the purpose mentioned in subsection 5 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. Time for passing; assent of electors.

(8) Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the annual election next after the passing of it. Effective date.

Rev. Stat.,
c. 243, s. 55,
subs. 5,
amended.

3. Subsection 5 of section 55 of *The Municipal Act* is amended by striking out the words "township or" in the first line, so that the subsection shall read as follows:

Qualifica-
tion in new
township.

- (5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of 21 years, a British subject and a householder resident in the municipality.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. t,
amended.

4.—(1) Clause *t* of subsection 1 of section 56 of *The Municipal Act* is amended by striking out the word "nomination" in the second and third lines and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*t*) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. w,
amended.

(2) Clause *w* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the second line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*w*) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid.

Rev. Stat.,
c. 243, s. 72,
subs. 1, cl. c,
re-enacted.

5. Clause *c* of subsection 1 of section 72 of *The Municipal Act* is repealed and the following substituted therefor:

- (*c*) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 77,
subs. 3,
amended.

6.—(1) Subsection 3 of section 77 of *The Municipal Act* is amended by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows:

Idem,
in wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 may provide that of the members elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term

SECTION 3. Under section 23 the authority to incorporate townships in unorganized territory now refers to the inhabitants of a "locality". The words "township or" in subsection 5 of section 55 are therefore no longer required.

SECTION 4. These amendments provide that a candidate for council is now disqualified unless his real property taxes for all preceding years, and his business taxes, are paid before the opening of the nomination meeting rather than before the time of his nomination as formerly.

SECTION 5. This amendment provides that in order to qualify for council, a candidate must have paid his taxes for preceding years before the opening of the nomination meeting rather than before the time of his nomination as formerly.

SECTION 6. Section 77, which authorizes local municipalities to establish a two-year term for council, is amended to provide that it is not mandatory to establish the staggered system in municipalities divided into wards.

SECTION 7. The power given in the re-enacted section is presently limited to cities over 100,000 population. Other municipalities are finding difficulty in obtaining polling places in residential polling subdivisions and the power is therefore given to all local municipalities.

SECTION 8. The content of the certificate given by the clerk to the deputy returning officers is changed to agree with the present procedure of preparing voters' lists from the assessment roll as returned rather than as revised.

SECTION 9. This amendment removes any possible conflict between sections 123 and 156.

SECTION 10. Subsection 4 of section 298 provides that money by-laws shall provide for raising, in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay the instalment. This amendment provides that it is necessary to make a levy on all the rateable property only where special rates or receipts from other sources in connection with the undertaking are not sufficient to pay the instalment.

and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

(2) Subsection 4 of the said section 77 is amended by striking out the word "shall" where it occurs the first time in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows: Rev. Stat.,
c. 243, s. 77,
subs. 4,
amended.

(4) Where only one member, other than a deputy reeve, is elected in a ward, the by-law passed under subsection 1 may provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term. Where one
member
only
elected.

7. Section 84 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 84,
re-enacted.

84. In any local municipality where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision. Polling
places.

8. Clause *a* of subsection 1 of section 106 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 106,
subs. 1, cl. *a*,
re-enacted.

(a) the date of the return of the assessment roll upon which the voters' list is based; and

.

9. Section 156 of *The Municipal Act* is amended by adding at the end thereof the words "and no candidate shall be present in a polling place during the time the poll is open or at the counting of the votes if his agent is in the polling place", so that the section shall read as follows: Rev. Stat.,
c. 243, s. 156,
amended.

156. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 120 and no candidate shall be present in a polling place during the time the poll is open or at the counting of the votes if his agent is in the polling place. Candidate
may under-
take duties
of an agent.

10. Section 298 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 243, s. 298,
amended.

General
levy to be
reduced by
receipts, etc.

- (4a) Notwithstanding subsection 4, it shall not be necessary in any year to levy any greater rate than is required to pay the instalment after taking into account receipts from any special rate or from any source in respect of the undertaking for which the money was raised.

Rev. Stat.,
c. 243, s. 301,
subs. 1,
re-enacted.

11. Subsection 1 of section 301 of *The Municipal Act* is repealed and the following substituted therefor:

Contracts
for supply
of public
utility.

Rev. Stat.,
c. 320.

- (1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding 20 years and may with the like assent renew such contract from time to time for further periods not exceeding 20 years at any one time.

Rev. Stat.,
c. 243, s. 312,
re-enacted.

12. Section 312 of *The Municipal Act* is repealed and the following substituted therefor:

Reserve
funds.

Rev. Stat.,
c. 96.

- 312.—(1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

Investments
and income.

Rev. Stat.,
c. 400.

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Expenditure
of reserve
fund
moneys.

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

SECTION 11. Subsection 1 of section 301 is re-enacted to increase the authorized term of municipal contracts for the supply of a public utility, and renewals thereof, from 10 to 20 years. It is also made clear that renewals require the assent of the electors.

SECTION 12. At present the establishment of reserve funds has required the approval of the Department and has been limited to certain specified purposes. These restrictions are removed in the re-enactment of the section but a two-thirds vote of the members of the council or board is required for providing reserves. At present all expenditures from reserve funds require approval of the Department. This restriction is also removed except where the municipality wishes to use reserve fund moneys for a purpose other than that for which the fund was established.

SECTION 13. Section 315 presently provides that money raised by debentures shall be kept in a special account and shall be used only for the purposes for which it was raised. The new subsection provides what shall be done where more money is raised than is required for the purpose for which the debentures were issued.

SECTION 14. This new section (which is almost identical with private legislation obtained by the City of Toronto in 1949) enables municipalities to establish building lines to provide for future street widenings and to prohibit the erection or placing of buildings between the building line and the existing limit of the highway. Protection is given against delay on the part of the municipality by the provisions of subsections 8 and 10.

- (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds.

13. Section 315 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 315, amended.

- (2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures.

(a) where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose;

(b) where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause a, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

14. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 243, amended.

350a.—(1) The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law. Prescription of building line.

(2) A by-law under subsection 1 shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine. Approval of Municipal Board.

(3) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice.

(4) The building line fixed by the by-law shall not be distant more than 20 feet from the limit of the highway. Maximum building line.

Exceptions.
Rev. Stat.,
c. 277.

- (5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act*, or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than 20 feet from the limit of the highway in respect of any part or parts of the highway.

Building
line need
not be
uniform.

- (6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

Exceptions
from opera-
tion of
by-law.

- (7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory
acquisition
of land.

- (8) After the by-law has been passed and approved by the Municipal Board,

(a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or

(b) if, at any time after the expiration of 10 years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may
authorize
delay.

- (9) Notwithstanding that the conditions set out in clause *a* of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond 10 years from the date of the by-law.

SECTION 15. Subsection 1. This amendment extends the authority of a municipality to contract with street railway companies for watering streets to cover contracts with a company, board or commission operating a transportation system and to cover oiling as well as watering.

Subsection 2. This amendment will permit the establishment of municipal parking lots in congested areas at the expense of the lands which will benefit from the lot, and the amount charged to each parcel of land will vary in accordance with the benefit derived.

- (10) Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway.

Conveyance to municipality when land clear.

- (11) In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality shall not be liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line.

Limitation on compensation.

- (12) Notwithstanding anything in this or any other Act and except as provided in subsection 10, the municipality shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1.

By-law not to give rise to claims.

- (13) Every by-law under this section shall have appended thereto a plan and any supplementary memorandum which may be needed to furnish adequate local description to comply with *The Registry Act*, prepared by an Ontario land surveyor, and when approved by the Municipal Board shall be registered in the proper registry office.

Plan of work; registration of by-law.

Rev. Stat., c. 336.

15.—(1) Paragraph 6 of section 386 of *The Municipal Act* is amended by striking out the words "street railway company for watering" in the first and second lines and inserting in lieu thereof the words "company, board or commission operating a transportation system in the municipality for watering or oiling", so that the paragraph shall read as follows:

Rev. Stat., c. 243, s. 386, para. 6, amended.

6. For contracting with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years.

Contracts for street watering or oiling.

(2) Paragraph 52 of the said section 386 is amended by adding thereto the following clauses:

Rev. Stat., c. 243, s. 386, par. 52, amended.

- (a) A by-law for acquiring, establishing, laying out and improving a parking lot may provide, with the

Levy of parking lot cost against area.

approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Amount of individual levies.

- (b) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.

Notice of application.

- (c) Where the capital cost or a part thereof is to be levied as provided in clause *a*, the council shall give notice of its application to the Municipal Board for approval of the by-law, to the assessed owner of each parcel of land in the defined area.

Petition against approval.

- (d) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.

Levy in one year.

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in one year in accordance with the schedule appended to the by-law.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 10,
re-enacted.

16.—(1) Paragraph 10 of subsection 1 of section 388 of *The Municipal Act* is repealed and the following substituted therefor:

Establishing
grades of
streets and
levels of
basements.

10. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

SECTION 16. Subsection 1. This paragraph is re-enacted to provide for the establishment of street grade lines that will allow for later paving, etc., and to provide that cellars of new buildings must be sufficiently high to permit proper fall to sewers.

Subsection 2. This amendment will permit local municipalities to pass by-laws prohibiting or regulating the discharge of air-guns and spring-guns, or any class of spring-gun.

Subsection 3. The present clause requires notice of smoke prevention by-laws to be published in *The Ontario Gazette* and in a "daily" newspaper. This cannot be complied with in many municipalities. The clause is therefore re-enacted to permit publication in any newspaper published in the municipality or, where there is none, in an adjacent or neighbouring municipality.

Subsection 4. Since this power is given to all local municipalities, the use of the word "city" is incorrect.

Subsection 5. Councils of local municipalities are given the power to license, regulate and govern by by-law the owners or operators of sound equipment under certain circumstances.

(2) Paragraph 37 of subsection 1 of the said section 388 is amended by inserting after the word "firearms" in the second line the words "and air-guns, spring-guns or any class or type of spring-gun", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
para. 37,
amended.

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks.

Discharge of
firearms,
fireworks,
etc.

(3) Clause *b* of paragraph 70 of subsection 1 of the said section 388 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 70, cl. *b*,
re-enacted.

(*b*) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of the by-law and such notice may be given by publication in *The Ontario Gazette* for four successive weeks and by publication within the meaning of section 1 once a week for four successive weeks.

(4) Paragraph 109 of subsection 1 of the said section 388 is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the paragraph, exclusive of clause *a*, shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended.

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 167.

(5) Subsection 1 of the said section 388 is further amended by adding thereto the following paragraph:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended.

112*a*. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.

P.A.
systems,
etc.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended.

17.—(1) Paragraph 3 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word "its" in the third line the word "rocky", so that the paragraph shall read as follows:

Rocky and
marshy
lands.

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 4,
amended.

(2) Paragraph 4 of subsection 1 of the said section 390 is amended by inserting after the word "location" in the second line the words "size, floor area", so that the paragraph shall read as follows:

Construc-
tion of
buildings
and
structures.

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 5,
amended.

(3) Paragraph 5 of subsection 1 of the said section 390 is amended by inserting after the word "loading" in the third line the words "or parking", so that the paragraph shall read as follows:

Loading
and
parking
space.

5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading or parking facilities on land that is not part of a highway.

Rev. Stat.,
c. 243, s. 390,
amended.

(4) The said section 390 is further amended by adding thereto the following subsection:

Certificates
of occu-
pancy.

- (3a) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any building or structure on the land covered by the by-law, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Rev. Stat.,
c. 243, s. 390,
subs. 10,
amended.

(5) Subsection 10 of the said section 390 is amended by striking out the words "the intention of the council to apply" in the second and third lines and inserting in lieu thereof the words "its application", so that the subsection shall read as follows:

SECTION 17. Subsection 1. This amendment will give council power to prohibit the erection of residential or commercial buildings on rocky land which would make the cost of provision of water, sewers, etc., prohibitive.

Subsection 2. This amendment will permit municipalities to regulate the construction of buildings in restricted areas by reference to the size and floor area as well as the other matters already enumerated in the paragraph.

Subsection 3. This amendment will permit municipalities to require persons using land for certain purposes named in the by-law to provide parking facilities.

Subsection 4. Under this amendment, a zoning by-law may require persons who propose to change the purpose for which a building is used to obtain a certificate of occupancy evidencing that the proposed use is not contrary to the zoning by-law.

Subsection 5. The provision respecting notices of application for approval of a zoning by-law is amended to agree with the present practice.

SECTION 18. These amendments are to ensure that a by-law passed under the paragraph can regulate the measuring of coke and fuel oil.

SECTION 19. The power to establish an industrial commission, now limited to cities, is enlarged in the re-enactment of section 422 of *The Municipal Act* by section 22 of this Bill.

SECTION 20: Section 399 of *The Municipal Act* is amended to extend the powers relating to smoke control to the councils of all cities and towns. The power is presently restricted to the councils of cities having a population of not less than 100,000.

- (10) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice of application.

18.—(1) Paragraph 6 of section 392 of *The Municipal Act* is amended by striking out the word "and" in the second line and inserting in lieu thereof the words "coke, oil or", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, amended.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal, coke, oil or other fuel. Measuring, etc., certain articles.

(2) Clause *a* of paragraph 6 of the said section 392 is amended by inserting after the article "the" in the second line the words "measuring or", so that the clause shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, cl. a, amended.

- (a) A by-law passed by a municipality under this paragraph may be made applicable to the measuring or weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits. Measuring or weighing of fuel for delivery beyond municipal limits.

19. Paragraph 1 of section 397 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 397, par. 1, repealed.

20.—(1) Subsection 1 of section 399 of *The Municipal Act* is amended by striking out the words "having a population of not less than 100,000" in the second line and inserting in lieu thereof the words "and towns", so that the subsection, exclusive of the paragraphs, shall read as follows: Rev. Stat., c. 243, s. 399, subs. 1, amended.

- (1) By-laws may be passed by the councils of cities and towns:

.

(2) Subsection 4 of the said section 399 is amended by inserting after the figures "1949" in the fourth line the words "in the case of cities having a population of not less than 100,000 and on the 1st day of April, 1951, in the case of other cities and towns", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 399, subs. 4, amended.

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the 1st day of April, 1949, in the case of cities having a population of not less than 100,000 and Exceptions.

on the 1st day of April, 1951, in the case of other cities and towns, were used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 410,
subs. 1,
par. 8,
amended.

21. Paragraph 8 of subsection 1 of section 410 of *The Municipal Act* is amended by adding thereto the following clause:

- (b) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

Rev. Stat.,
c. 243, s. 413,
para. 2,
amended.

22.—(1) Paragraph 2 of section 413 of *The Municipal Act* is amended by striking out the word "and" in the second line and by adding at the end thereof the words "and persons who install septic tanks", so that the paragraph shall read as follows:

Drain
contractors.

2. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks.

Rev. Stat.,
c. 243, s. 413,
amended.

(2) The said section 413 is further amended by adding thereto the following paragraphs:

Barber
shops, etc.

- 1a. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

.

Driving
schools.

- 2a. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Fee.

- (a) The licence fee shall not exceed \$50.

.

Refresh-
ment
vehicles.

- 8a. For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence.

Rev. Stat.,
c. 243, s. 422,
re-enacted.

23. Section 422 of *The Municipal Act* is repealed and the following substituted therefor:

Industries
department
and com-
missioner.

- 422.**—(1) The council of a municipality having a population of not less than 5,000 may pass by-laws

SECTION 21. This amendment provides that a county by-law for licensing auctioneers will not apply in a local municipality which has passed such a by-law.

SECTION 22. Councils of towns, townships, villages and cities having a population under 100,000, and boards of commissioners of police in cities over 100,000 population are given power to pass by-laws dealing with persons installing septic tanks, barber shops and hair-dressing establishments, driving school operators and equipment, and refreshment vehicles.

SECTION 23. At present section 422, which has not been amended substantially for over 20 years, establishes limits on promotional expenditures. These are now out of date and the section is re-enacted to bring the limits up to date, to permit pooling of expenditures and to allow any municipality having 5,000 population to establish an industries department.

SECTION 24. This amendment will authorize the trustees of a police village to enter into agreements providing for joint fire departments with municipalities and providing for joint boards of management therefor.

SECTION 25. Complementary to section 8 of this Bill.

for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

- (2) The council of a local municipality may expend in any year a sum not exceeding the amount of one mill in the dollar on the total of its taxable assessment up to \$10,000,000 of taxable assessment, and an additional one-tenth of one mill in the dollar on that part of its total taxable assessment in excess of \$10,000,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre, but no local municipality shall expend in one year an amount exceeding \$60,000 for such purposes. Expenditures for publicity.
- (3) The council of a county may expend in any year a sum not exceeding \$1,500 for the purposes mentioned in subsection 2. Idem.
- (4) Any two or more municipalities may pool their funds and act jointly for the purposes of this section. Pooling expenditures.
- (5) Notwithstanding the limits prescribed in subsections 2 and 3, with the assent of the electors qualified to vote on money by-laws, the council of any municipality may expend in any year such sum for the purposes of this section as may be so assented to. Exceeding prescribed limits.

24. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 515, amended.

- (2) For the purposes of paragraph 4 of section 405, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 386, the trustee shall have all the powers of the council of a township, except the power to issue debentures. Establishment of joint fire departments.

25. Form 9 to *The Municipal Act* is amended by striking out the words "finally revised" in the seventh line and inserting in lieu thereof the word "returned". Rev. Stat., c. 243, Form 9, amended.

26. This Act shall come into force on the day it receives the Royal Assent. Commencement.

27. This Act may be cited as *The Municipal Amendment Act, 1951*. Short title.

BILL

An Act to amend The Municipal Act

1st Reading

March 8th, 1951

2nd Reading

3rd Reading

MR. DUNBAR

No. 127

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Municipal Act

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present section requires the use of the latest census of Canada in determining population. *The Assessment Act* now requires the assessor to make a census annually. This amendment authorizes the use of the municipal census for determining the constitution of the council.

SECTION 2. At present the council of a village or township divided into wards must consist of a reeve elected by general vote, and a deputy reeve and councillor for each ward. This may result in too large a council where there are five wards. The amendment permits an alternative composition of council.

BILL

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 52, re-enacted.

52. For the purposes of sections 49 to 51, the population shall be determined by the latest census made by the assessor under *The Assessment Act*. Population. Rev. Stat., c. 243, s. 52.

2. Section 53 of *The Municipal Act* is amended by adding thereto the following subsections: Rev. Stat., c. 243, s. 53, amended.

(5) The council of a village or township in a county and divided into wards may by by-law provide that thereafter the council, instead of being composed as provided in subsection 3, shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000. Alternative composition where wards.

(6) A by-law passed under subsection 5 shall not be repealed until at least two annual elections have been held under it. Repeal.

(7) A by-law for the purpose mentioned in subsection 5 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. Time for passing; assent of electors.

(8) Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the annual election next after the passing of it. Effective date.

Rev. Stat.,
c. 243, s. 55,
subs. 5,
amended.

3. Subsection 5 of section 55 of *The Municipal Act* is amended by striking out the words "township or" in the first line, so that the subsection shall read as follows:

Qualifica-
tion in new
township.

- (5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of 21 years, a British subject and a householder resident in the municipality.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. *t*,
amended.

4.—(1) Clause *t* of subsection 1 of section 56 of *The Municipal Act* is amended by striking out the word "nomination" in the second and third lines and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*t*) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. *w*,
amended.

(2) Clause *w* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the second line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*w*) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid.

Rev. Stat.,
c. 243, s. 72,
subs. 1, cl. *c*,
re-enacted.

5. Clause *c* of subsection 1 of section 72 of *The Municipal Act* is repealed and the following substituted therefor:

- (*c*) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 77,
subs. 3,
amended.

6.—(1) Subsection 3 of section 77 of *The Municipal Act* is amended by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows:

Idem,
in wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 may provide that of the members elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term

SECTION 3. Under section 23 the authority to incorporate townships in unorganized territory now refers to the inhabitants of a "locality". The words "township or" in subsection 5 of section 55 are therefore no longer required.

SECTION 4. These amendments provide that a candidate for council is now disqualified unless his real property taxes for all preceding years, and his business taxes, are paid before the opening of the nomination meeting rather than before the time of his nomination as formerly.

SECTION 5. This amendment provides that in order to qualify for council, a candidate must have paid his taxes for preceding years before the opening of the nomination meeting rather than before the time of his nomination as formerly.

SECTION 6. Section 77, which authorizes local municipalities to establish a two-year term for council, is amended to provide that it is not mandatory to establish the staggered system in municipalities divided into wards.

SECTION 7. The power given in the re-enacted section is presently limited to cities over 100,000 population. Other municipalities are finding difficulty in obtaining polling places in residential polling subdivisions and the power is therefore given to all local municipalities.

SECTION 8. The content of the certificate given by the clerk to the deputy returning officers is changed to agree with the present procedure of preparing voters' lists from the assessment roll as returned rather than as revised.

SECTION 9. This amendment removes any possible conflict between sections 123 and 156.

SECTION 10. Subsection 4 of section 298 provides that money by-laws shall provide for raising, in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay the instalment. This amendment provides that it is necessary to make a levy on all the rateable property only where special rates or receipts from other sources in connection with the undertaking are not sufficient to pay the instalment.

and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

(2) Subsection 4 of the said section 77 is amended by striking out the word "shall" where it occurs the first time in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows: Rev. Stat.,
c. 243, s. 77,
subs. 4,
amended.

(4) Where only one member, other than a deputy reeve, is elected in a ward, the by-law passed under subsection 1 may provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term. Where one
member
only
elected.

7. Section 84 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 84,
re-enacted.

84. In any local municipality where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision. Polling
places.

8. Clause *a* of subsection 1 of section 106 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 106,
subs. 1, cl. *a*,
re-enacted.

(a) the date of the return of the assessment roll upon which the voters' list is based; and

.

9. Section 156 of *The Municipal Act* is amended by adding at the end thereof the words "and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place", so that the section shall read as follows: Rev. Stat.,
c. 243, s. 156,
amended.

156. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 120 and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place. Candidate
may under-
take duties
of an agent.

10. Section 298 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 243, s. 298,
amended.

General
levy to be
reduced by
receipts, etc.

- (4a) Notwithstanding subsection 4, it shall not be necessary in any year to levy any greater rate than is required to pay the instalment after taking into account receipts from any special rate or from any source in respect of the undertaking for which the money was raised.

Rev. Stat.,
c. 243, s. 301,
subs. 1,
re-enacted.

11. Subsection 1 of section 301 of *The Municipal Act* is repealed and the following substituted therefor:

Contracts
for supply
of public
utility.

Rev. Stat.,
c. 320.

- (1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding 20 years and may with the like assent renew such contract from time to time for further periods not exceeding 20 years at any one time.

Rev. Stat.,
c. 243, s. 312,
re-enacted.

12. Section 312 of *The Municipal Act* is repealed and the following substituted therefor:

Reserve
funds.

Rev. Stat.,
c. 96.

- 312.—(1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

Investments
and income.

Rev. Stat.,
c. 400.

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Expenditure
of reserve
fund
moneys.

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

SECTION 11. Subsection 1 of section 301 is re-enacted to increase the authorized term of municipal contracts for the supply of a public utility, and renewals thereof, from 10 to 20 years. It is also made clear that renewals require the assent of the electors.

SECTION 12. At present the establishment of reserve funds has required the approval of the Department and has been limited to certain specified purposes. These restrictions are removed in the re-enactment of the section but a two-thirds vote of the members of the council or board is required for providing reserves. At present all expenditures from reserve funds require approval of the Department. This restriction is also removed except where the municipality wishes to use reserve fund moneys for a purpose other than that for which the fund was established.

SECTION 13. Section 315 presently provides that money raised by debentures shall be kept in a special account and shall be used only for the purposes for which it was raised. The new subsection provides what shall be done where more money is raised than is required for the purpose for which the debentures were issued.

SECTION 14. This new section (which is almost identical with private legislation obtained by the City of Toronto in 1949) enables municipalities to establish building lines to provide for future street widenings and to prohibit the erection or placing of buildings between the building line and the existing limit of the highway. Protection is given against delay on the part of the municipality by the provisions of subsections 8 and 10.

- (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds.

13. Section 315 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 315, amended.

- (2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures.

(a) where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable;

(b) where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause a, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

14. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 243, amended.

350a.—(1) The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law. Prescription of building line.

(2) A by-law under subsection 1 shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine. Approval of Municipal Board.

(3) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice.

(4) The building line fixed by the by-law shall not be distant more than 20 feet from the limit of the highway. Maximum building line.

Exceptions.
Rev. Stat.,
c. 277.

- (5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act*, or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than 20 feet from the limit of the highway in respect of any part or parts of the highway.

Building
line need
not be
uniform.

- (6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

Exceptions
from opera-
tion of
by-law.

- (7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory
acquisition
of land.

- (8) After the by-law has been passed and approved by the Municipal Board,

(a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or

(b) if, at any time after the expiration of 10 years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may
authorize
delay.

- (9) Notwithstanding that the conditions set out in clause *a* of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond 10 years from the date of the by-law.

SECTION 15. Subsection 1. This amendment extends the authority of a municipality to contract with street railway companies for watering streets to cover contracts with a company, board or commission operating a transportation system and to cover oiling as well as watering.

Subsection 2. This amendment will permit the establishment of municipal parking lots in congested areas at the expense of the lands which will benefit from the lot, and the amount charged to each parcel of land will vary in accordance with the benefit derived.

- (10) Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway. Conveyance to municipality when land clear.

- (11) In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality shall not be liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line. Limitation on compensation.

- (12) Notwithstanding anything in this or any other Act and except as provided in subsection 10, the municipality shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1. By-law not to give rise to claims.

- (13) Every by-law under this section, when approved by the Municipal Board, shall be registered in the proper registry office and when tendered for registration shall have attached thereto a plan or plans and any supplementary memorandum which may be needed to furnish adequate local description to comply with *The Registry Act*, prepared by an Ontario land surveyor and showing the position of the building line in relation to the limit of the highway. Registration of by-law; plan of work.

15.—(1) Paragraph 6 of section 386 of *The Municipal Act* is amended by striking out the words "street railway company for watering" in the first and second lines and inserting in lieu thereof the words "company, board or commission operating a transportation system in the municipality for watering or oiling", so that the paragraph shall read as follows: Rev. Stat., c. 243, s. 386, para. 6, amended.

6. For contracting with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. Contracts for street watering or oiling.

(2) Paragraph 52 of the said section 386 is amended by adding thereto the following clauses: Rev. Stat., c. 243, s. 386, para. 52, amended.

- (a) A by-law for acquiring, establishing, laying out and improving a parking lot may provide, with the Levy of parking cost against area.

approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Amount of
individual
levies.

- (b) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.

Notice of
application.

- (c) Where the capital cost or a part thereof is to be levied as provided in clause *a*, the council shall give notice of its application to the Municipal Board for approval of the by-law, to the assessed owner of each parcel of land in the defined area.

Petition
against
approval.

- (d) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.

Levy in
one year.

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in one year in accordance with the schedule appended to the by-law.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 10,
re-enacted.

16.—(1) Paragraph 10 of subsection 1 of section 388 of *The Municipal Act* is repealed and the following substituted therefor:

Establishing
grades of
streets and
levels of
basements.

10. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

SECTION 16. Subsection 1. This paragraph is re-enacted to provide for the establishment of street grade lines that will allow for later paving, etc., and to provide that cellars of new buildings must be sufficiently high to permit proper fall to sewers.

Subsection 2. This amendment will permit local municipalities to pass by-laws prohibiting or regulating the discharge of air-guns and spring-guns, or any class of spring-gun.

Subsection 3. The present clause requires notice of smoke prevention by-laws to be published in *The Ontario Gazette* and in a "daily" newspaper. This cannot be complied with in many municipalities. The clause is therefore re-enacted to permit publication in any newspaper published in the municipality or, where there is none, in an adjacent or neighbouring municipality.

Subsection 4. Since this power is given to all local municipalities, the use of the word "city" is incorrect.

Subsection 5. Councils of local municipalities are given the power to license, regulate and govern by by-law the owners or operators of sound equipment under certain circumstances.

(2) Paragraph 37 of subsection 1 of the said section 388 is amended by inserting after the word "firearms" in the second line the words "and air-guns, spring-guns or any class or type of spring-gun", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
para. 37,
amended.

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks.

Discharge of
firearms,
fireworks,
etc.

(3) Clause *b* of paragraph 70 of subsection 1 of the said section 388 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 70, cl. *b*,
re-enacted.

(*b*) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of the by-law and such notice may be given by publication in *The Ontario Gazette* for four successive weeks and by publication within the meaning of section 1 once a week for four successive weeks.

(4) Paragraph 109 of subsection 1 of the said section 388 is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the paragraph, exclusive of clause *a*, shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended.

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 167.

(5) Subsection 1 of the said section 388 is further amended by adding thereto the following paragraph:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended.

112a. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.

P.A.
systems,
etc.

Rev. Stat., c. 243, s. 390, subs. 1, par. 3, amended. **17.—**(1) Paragraph 3 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word “its” in the third line the word “rocky”, so that the paragraph shall read as follows:

Rocky and marshy lands.

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat., c. 243, s. 390, subs. 1, par. 4, amended. (2) Paragraph 4 of subsection 1 of the said section 390 is amended by inserting after the word “location” in the second line the words “size, floor area”, so that the paragraph shall read as follows:

Construction of buildings and structures.

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat., c. 243, s. 390, subs. 1, par. 5, amended. (3) Paragraph 5 of subsection 1 of the said section 390 is amended by inserting after the word “loading” in the third line the words “or parking”, so that the paragraph shall read as follows:

Loading and parking space.

5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading or parking facilities on land that is not part of a highway.

Rev. Stat., c. 243, s. 390, amended. (4) The said section 390 is further amended by adding thereto the following subsection:

Certificates of occupancy.

- (3a) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Rev. Stat., c. 243, s. 390, subs. 10, amended. (5) Subsection 10 of the said section 390 is amended by striking out the words “the intention of the council to apply” in the second and third lines and inserting in lieu thereof the words “its application”, so that the subsection shall read as follows:

SECTION 17. Subsection 1. This amendment will give council power to prohibit the erection of residential or commercial buildings on rocky land which would make the cost of provision of water, sewers, etc., prohibitive.

Subsection 2. This amendment will permit municipalities to regulate the construction of buildings in restricted areas by reference to the size and floor area as well as the other matters already enumerated in the paragraph.

Subsection 3. This amendment will permit municipalities to require persons using land for certain purposes named in the by-law to provide parking facilities.

Subsection 4. Under this amendment, a zoning by-law may require persons who propose to change the purpose for which land or a building is used to obtain a certificate of occupancy evidencing that the proposed use is not contrary to the zoning by-law.

Subsection 5. The provision respecting notices of application for approval of a zoning by-law is amended to agree with the present practice.

SECTION 18. These amendments are to ensure that a by-law passed under the paragraph can regulate the measuring of coke and fuel oil.

SECTION 19. The power to establish an industrial commission, now limited to cities, is enlarged in the re-enactment of section 422 of *The Municipal Act* by section 22 of this Bill.

SECTION 20: Section 399 of *The Municipal Act* is amended to extend the powers relating to smoke control to the councils of all cities and towns. The power is presently restricted to the councils of cities having a population of not less than 100,000.

- (10) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice of application.

18.—(1) Paragraph 6 of section 392 of *The Municipal Act* is amended by striking out the word “and” in the second line and inserting in lieu thereof the words “coke, oil or”, so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, amended.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal, coke, oil or other fuel. Measuring, etc., certain articles.

(2) Clause *a* of paragraph 6 of the said section 392 is amended by inserting after the article “the” in the second line the words “measuring or”, so that the clause shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, cl. a, amended.

- (a) A by-law passed by a municipality under this paragraph may be made applicable to the measuring or weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits. Measuring or weighing of fuel for delivery beyond municipal limits.

19. Paragraph 1 of section 397 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 397, par. 1, repealed.

20.—(1) Subsection 1 of section 399 of *The Municipal Act* is amended by striking out the words “having a population of not less than 100,000” in the second line and inserting in lieu thereof the words “and towns”, so that the subsection, exclusive of the paragraphs, shall read as follows: Rev. Stat., c. 243, s. 399, subs. 1, amended.

- (1) By-laws may be passed by the councils of cities and towns:

.

(2) Subsection 4 of the said section 399 is amended by inserting after the figures “1949” in the fourth line the words “in the case of cities having a population of not less than 100,000 and on the 1st day of April, 1951, in the case of other cities and towns”, so that the subsection shall read as follows: Rev. Stat., c. 243, s. 399, subs. 4, amended.

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the 1st day of April, 1949, in the case of cities having a population of not less than 100,000 and Exceptions.

on the 1st day of April, 1951, in the case of other cities and towns, were used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 410,
subs. 1,
par. 8,
amended.

21. Paragraph 8 of subsection 1 of section 410 of *The Municipal Act* is amended by adding thereto the following clause:

(b) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

Rev. Stat.,
c. 243, s. 413,
para. 2,
amended.

22.—(1) Paragraph 2 of section 413 of *The Municipal Act* is amended by striking out the word “and” in the second line and by adding at the end thereof the words “and persons who install septic tanks”, so that the paragraph shall read as follows:

Drain
contractors.

2. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks.

Rev. Stat.,
c. 243, s. 413,
amended.

(2) The said section 413 is further amended by adding thereto the following paragraphs:

Barber
shops, etc.

1a. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

.

Driving
schools.

2a. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Fee.

(a) The licence fee shall not exceed \$50.

.

Refresh-
ment
vehicles.

8a. For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence.

Rev. Stat.,
c. 243, s. 422,
re-enacted.

23. Section 422 of *The Municipal Act* is repealed and the following substituted therefor:

Industries
department
and com-
missioner.

422.—(1) The council of a municipality having a population of not less than 5,000 may pass by-laws

SECTION 21. This amendment provides that a county by-law for licensing auctioneers will not apply in a local municipality which has passed such a by-law.

SECTION 22. Councils of towns, townships, villages and cities having a population under 100,000, and boards of commissioners of police in cities over 100,000 population are given power to pass by-laws dealing with persons installing septic tanks, barber shops and hair-dressing establishments, driving school operators and equipment, and refreshment vehicles.

SECTION 23. At present section 422, which has not been amended substantially for over 20 years, establishes limits on promotional expenditures. These are now out of date and the section is re-enacted to bring the limits up to date, to permit pooling of expenditures and to allow any municipality having 5,000 population to establish an industries department.

SECTION 24. This amendment will authorize the trustees of a police village to enter into agreements providing for joint fire departments with municipalities and providing for joint boards of management therefor.

SECTION 25. Complementary to section 8 of this Bill.

for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

- (2) The council of a local municipality may expend in any year a sum not exceeding the amount of one mill in the dollar on the total of its taxable assessment up to \$10,000,000 of taxable assessment, and an additional one-tenth of one mill in the dollar on that part of its total taxable assessment in excess of \$10,000,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre, but no local municipality shall expend in one year an amount exceeding \$60,000 for such purposes. Expenditures for publicity.
- (3) The council of a county may expend in any year a sum not exceeding \$1,500 for the purposes mentioned in subsection 2. Idem.
- (4) Any two or more municipalities may pool their funds and act jointly for the purposes of this section. Pooling expenditures.
- (5) Notwithstanding the limits prescribed in subsections 2 and 3, with the assent of the electors qualified to vote on money by-laws, the council of any municipality may expend in any year such sum for the purposes of this section as may be so assented to. Exceeding prescribed limits.

24. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 515, amended.

- (2) For the purposes of paragraph 4 of section 405, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 386, the trustee shall have all the powers of the council of a township, except the power to issue debentures. Establishment of joint fire departments.

25. Form 9 to *The Municipal Act* is amended by striking out the words "finally revised" in the seventh line and inserting in lieu thereof the word "returned". Rev. Stat., c. 243, Form 9, amended.

26. This Act shall come into force on the day it receives the Royal Assent. Commencement.

27. This Act may be cited as *The Municipal Amendment Act, 1951*. Short title.

BILL

An Act to amend The Municipal Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

MR. DUNBAR

*(Reprinted as amended by the Committee on
Municipal Law)*

No. 127

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Municipal Act

MR. DUNBAR

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The University of California Press

BILL

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 52, re-enacted.

52. For the purposes of sections 49 to 51, the population shall be determined by the latest census made by the assessor under *The Assessment Act*. Population. Rev. Stat., c. 24, s. 63.

2. Section 53 of *The Municipal Act* is amended by adding thereto the following subsections: Rev. Stat., c. 243, s. 53, amended.

(5) The council of a village or township in a county and divided into wards may by by-law provide that thereafter the council, instead of being composed as provided in subsection 3, shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000. Alternative composition where wards.

(6) A by-law passed under subsection 5 shall not be repealed until at least two annual elections have been held under it. Repeal.

(7) A by-law for the purpose mentioned in subsection 5 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. Time for passing: assent of electors.

(8) Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the annual election next after the passing of it. Effective date.

Rev. Stat.,
c. 243, s. 55,
subs. 5,
amended.

3. Subsection 5 of section 55 of *The Municipal Act* is amended by striking out the words "township or" in the first line, so that the subsection shall read as follows:

Qualifica-
tion in new
township.

- (5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of 21 years, a British subject and a householder resident in the municipality.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. *t*,
amended.

4.—(1) Clause *t* of subsection 1 of section 56 of *The Municipal Act* is amended by striking out the word "nomination" in the second and third lines and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*t*) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid.

Rev. Stat.,
c. 243, s. 56,
subs. 1, cl. *w*,
amended.

(2) Clause *w* of subsection 1 of the said section 56 is amended by striking out the word "nomination" in the second line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

- (*w*) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid.

Rev. Stat.,
c. 243, s. 72,
subs. 1, cl. *c*,
re-enacted.

5. Clause *c* of subsection 1 of section 72 of *The Municipal Act* is repealed and the following substituted therefor:

- (*c*) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.

Rev. Stat.,
c. 243, s. 77,
subs. 3,
amended.

6.—(1) Subsection 3 of section 77 of *The Municipal Act* is amended by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows:

Idem.
in wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 may provide that of the members elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term

and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

(2) Subsection 4 of the said section 77 is amended by striking out the word "shall" where it occurs the first time in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows: Rev. Stat.,
c. 243, s. 77,
subs. 4,
amended.

(4) Where only one member, other than a deputy reeve, is elected in a ward, the by-law passed under subsection 1 may provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term. Where one
member
only
elected.

7. Section 84 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 84,
re-enacted.

84. In any local municipality where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision. Polling
places.

8. Clause *a* of subsection 1 of section 106 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 106,
subs. 1, cl. *a*,
re-enacted.

(a) the date of the return of the assessment roll upon which the voters' list is based; and

.

9. Section 156 of *The Municipal Act* is amended by adding at the end thereof the words "and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place", so that the section shall read as follows: Rev. Stat.,
c. 243, s. 156,
amended.

156. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 120 and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place. Candidate
may under-
take duties
of an agent.

10. Section 298 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 243, s. 298,
amended.

General
levy to be
reduced by
receipts, etc.

- (4a) Notwithstanding subsection 4, it shall not be necessary in any year to levy any greater rate than is required to pay the instalment after taking into account receipts from any special rate or from any source in respect of the undertaking for which the money was raised.

Rev. Stat.,
c. 243, s. 301,
subs. 1,
re-enacted.

11. Subsection 1 of section 301 of *The Municipal Act* is repealed and the following substituted therefor:

Contracts
for supply
of public
utility.

Rev. Stat.,
c. 320.

- (1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding 20 years and may with the like assent renew such contract from time to time for further periods not exceeding 20 years at any one time.

Rev. Stat.,
c. 243, s. 312,
re-enacted.

12. Section 312 of *The Municipal Act* is repealed and the following substituted therefor:

Reserve
funds.

Rev. Stat.,
c. 96.

- 312.—(1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

Investments
and income.

Rev. Stat.,
c. 400.

- (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Expenditure
of reserve
fund
moneys.

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

- (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds.

13. Section 315 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 315, amended.

- (2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures.

- (a) where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable;
- (b) where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

14. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 243, amended.

350a.—(1) The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law. Prescription of building line.

- (2) A by-law under subsection 1 shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine. Approval of Municipal Board.

- (3) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice.

- (4) The building line fixed by the by-law shall not be distant more than 20 feet from the limit of the highway. Maximum building line.

Exceptions.
Rev. Stat.,
c. 277.

- (5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act*, or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than 20 feet from the limit of the highway in respect of any part or parts of the highway.

Building
line need
not be
uniform.

- (6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

Exceptions
from opera-
tion of
by-law.

- (7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory
acquisition
of land.

- (8) After the by-law has been passed and approved by the Municipal Board,

(a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or

(b) if, at any time after the expiration of 10 years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may
authorize
delay.

- (9) Notwithstanding that the conditions set out in clause *a* of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond 10 years from the date of the by-law.

- (10) Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway. Conveyance to municipality when land clear.

- (11) In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality shall not be liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line. Limitation on compensation.

- (12) Notwithstanding anything in this or any other Act and except as provided in subsection 10, the municipality shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1. By-law not to give rise to claims.

- (13) Every by-law under this section, when approved by the Municipal Board, shall be registered in the proper registry office and when tendered for registration shall have attached thereto a plan or plans and any supplementary memorandum which may be needed to furnish adequate local description to comply with *The Registry Act*, prepared by an Ontario land surveyor and showing the position of the building line in relation to the limit of the highway. Registration of by-law; plan of work. Rev. Stat., c. 336.

15.—(1) Paragraph 6 of section 386 of *The Municipal Act* is amended by striking out the words "street railway company for watering" in the first and second lines and inserting in lieu thereof the words "company, board or commission operating a transportation system in the municipality for watering or oiling", so that the paragraph shall read as follows: Rev. Stat., c. 243, s. 386, para. 6, amended.

6. For contracting with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. Contracts for street watering or oiling.

(2) Paragraph 52 of the said section 386 is amended by adding thereto the following clauses: Rev. Stat., c. 243, s. 386, par. 52, amended.

- (a) A by-law for acquiring, establishing, laying out and improving a parking lot may provide, with the Levy of parking lot cost against area.

approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Amount of individual levies.

- (b) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.

Notice of application.

- (c) Where the capital cost or a part thereof is to be levied as provided in clause *a*, the council shall give notice of its application to the Municipal Board for approval of the by-law, to the assessed owner of each parcel of land in the defined area.

Petition against approval.

- (d) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.

Levy in one year.

- (e) The capital cost or part thereof to be levied against lands under clause *a* shall be raised by a special levy against the lands in one year in accordance with the schedule appended to the by-law.

Rev. Stat., c. 243, s. 388, subs. 1, par. 10, re-enacted.

16.—(1) Paragraph 10 of subsection 1 of section 388 of *The Municipal Act* is repealed and the following substituted therefor:

Establishing grades of streets and levels of basements.

10. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

(2) Paragraph 37 of subsection 1 of the said section 388 is amended by inserting after the word "firearms" in the second line the words "and air-guns, spring-guns or any class or type of spring-gun", so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
para. 37,
amended.

37. For prohibiting or regulating the discharge of guns or other firearms, and air-guns, spring-guns or any class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks.

Discharge of
firearms,
fireworks,
etc.

(3) Clause *b* of paragraph 70 of subsection 1 of the said section 388 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 70, cl. *b*,
re-enacted.

(*b*) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of the by-law and such notice may be given by publication in *The Ontario Gazette* for four successive weeks and by publication within the meaning of section 1 once a week for four successive weeks.

(4) Paragraph 109 of subsection 1 of the said section 388 is amended by striking out the word "city" in the fourth line and inserting in lieu thereof the word "municipality", so that the paragraph, exclusive of clause *a*, shall read as follows:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended.

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Licensing
users of
wheeled
vehicles.

Rev. Stat.,
c. 167.

(5) Subsection 1 of the said section 388 is further amended by adding thereto the following paragraph:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended.

112a. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.

P.A.
systems,
etc.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended.

17.—(1) Paragraph 3 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word "its" in the third line the word "rocky", so that the paragraph shall read as follows:

Rocky and
marshy
lands.

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 4,
amended.

(2) Paragraph 4 of subsection 1 of the said section 390 is amended by inserting after the word "location" in the second line the words "size, floor area", so that the paragraph shall read as follows:

Construc-
tion of
buildings
and
structures.

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 5,
amended.

(3) Paragraph 5 of subsection 1 of the said section 390 is amended by inserting after the word "loading" in the third line the words "or parking", so that the paragraph shall read as follows:

Loading
and
parking
space.

5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading or parking facilities on land that is not part of a highway.

Rev. Stat.,
c. 243, s. 390,
amended.

(4) The said section 390 is further amended by adding thereto the following subsection:

Certificates
of occu-
pancy.

- (3a) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Rev. Stat.,
c. 243, s. 390,
subs. 10,
amended.

(5) Subsection 10 of the said section 390 is amended by striking out the words "the intention of the council to apply" in the second and third lines and inserting in lieu thereof the words "its application", so that the subsection shall read as follows:

- (10) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. Notice of application.

18.—(1) Paragraph 6 of section 392 of *The Municipal Act* is amended by striking out the word "and" in the second line and inserting in lieu thereof the words "coke, oil or", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, amended.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal, coke, oil or other fuel. Measuring, etc., certain articles.

(2) Clause *a* of paragraph 6 of the said section 392 is amended by inserting after the article "the" in the second line the words "measuring or", so that the clause shall read as follows: Rev. Stat., c. 243, s. 392, par. 6, cl. a, amended.

- (a) A by-law passed by a municipality under this paragraph may be made applicable to the measuring or weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits. Measuring or weighing of fuel for delivery beyond municipal limits.

19. Paragraph 1 of section 397 of *The Municipal Act* is repealed. Rev. Stat., c. 243, s. 397, par. 1, repealed.

20.—(1) Subsection 1 of section 399 of *The Municipal Act* is amended by striking out the words "having a population of not less than 100,000" in the second line and inserting in lieu thereof the words "and towns", so that the subsection, exclusive of the paragraphs, shall read as follows: Rev. Stat., c. 243, s. 399, subs. 1, amended.

- (1) By-laws may be passed by the councils of cities and towns:

.

(2) Subsection 4 of the said section 399 is amended by inserting after the figures "1949" in the fourth line the words "in the case of cities having a population of not less than 100,000 and on the 1st day of April, 1951, in the case of other cities and towns", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 399, subs. 4, amended.

- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the 1st day of April, 1949, in the case of cities having a population of not less than 100,000 and Exceptions.

on the 1st day of April, 1951, in the case of other cities and towns, were used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat.,
c. 243, s. 410,
subs. 1,
par. 8,
amended.

21. Paragraph 8 of subsection 1 of section 410 of *The Municipal Act* is amended by adding thereto the following clause:

- (b) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

Rev. Stat.,
c. 243, s. 413,
para. 2,
amended.

22.—(1) Paragraph 2 of section 413 of *The Municipal Act* is amended by striking out the word “and” in the second line and by adding at the end thereof the words “and persons who install septic tanks”, so that the paragraph shall read as follows:

Drain
contractors.

2. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks.

Rev. Stat.,
c. 243, s. 413,
amended.

(2) The said section 413 is further amended by adding thereto the following paragraphs:

Barber
shops, etc.

- 1a. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

.

Driving
schools.

- 2a. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Fee.

- (a) The licence fee shall not exceed \$50.

.

Refresh-
ment
vehicles.

- 8a. For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence.

Rev. Stat.,
c. 243, s. 422,
re-enacted.

23. Section 422 of *The Municipal Act* is repealed and the following substituted therefor:

Industries
department
and com-
missioner.

- 422.—(1) The council of a municipality having a population of not less than 5,000 may pass by-laws

for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

- (2) The council of a local municipality may expend in any year a sum not exceeding the amount of one mill in the dollar on the total of its taxable assessment up to \$10,000,000 of taxable assessment, and an additional one-tenth of one mill in the dollar on that part of its total taxable assessment in excess of \$10,000,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre, but no local municipality shall expend in one year an amount exceeding \$60,000 for such purposes. Expenditures for publicity.
- (3) The council of a county may expend in any year a sum not exceeding \$1,500 for the purposes mentioned in subsection 2. Idem.
- (4) Any two or more municipalities may pool their funds and act jointly for the purposes of this section. Pooling expenditures.
- (5) Notwithstanding the limits prescribed in subsections 2 and 3, with the assent of the electors qualified to vote on money by-laws, the council of any municipality may expend in any year such sum for the purposes of this section as may be so assented to. Exceeding prescribed limits.

24. Section 515 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 515, amended.

- (2) For the purposes of paragraph 4 of section 405, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 386, the trustee shall have all the powers of the council of a township, except the power to issue debentures. Establishment of joint fire departments.

25. Form 9 to *The Municipal Act* is amended by striking out the words "finally revised" in the seventh line and inserting in lieu thereof the word "returned". Rev. Stat., c. 243, Form 9, amended.

26. This Act shall come into force on the day it receives the Royal Assent. Commencement.

27. This Act may be cited as *The Municipal Amendment Act, 1951*. Short title.

BILL

An Act to amend The Municipal Act

1st Reading

March 8th, 1951

2nd Reading

March 13th, 1951

3rd Reading

March 28th, 1951

MR. DUNBAR

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Division Courts Act

MR. GRUMMETT

EXPLANATORY NOTE

The Division Courts Act provides for consolidation of debts which have been secured by division court judgments. In many cases a debtor will have other creditors who also have valid claims, but who have not taken action to enforce their claims in court. Under the present provisions of the Act, after a consolidation order has been issued such creditors are practically forced to obtain judgments for their own protection. The result is a multiplication of actions, frequently for petty amounts, and the piling up of a heavy bill of costs against the debtor. The purpose of the amendment is to avoid the necessity of such a multiplicity of actions by permitting the debtor to acknowledge claims which he admits to be valid and to have them included in the consolidation order. Provision is made for the examination of such claimants by the judge if he has any reason to doubt the validity of their claims. Under section 158 of the Act creditors are also permitted to enter an objection to the inclusion of other creditors, which would include the right of objection to such claimants.

No. 128

1951

BILL

An Act to amend The Division Courts Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 156 of *The Division Courts Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 106, s. 156,
subs. 2,
amended.

(aa) the names and addresses of creditors who have not obtained judgment against him but whose claim he admits to be valid and the amount that he owes to each such creditor.

(2) The said section 156 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 106, s. 156,
amended.

(3a) Before making a consolidation order, the judge may require any creditor (listed in the application) who has not obtained a judgment to appear before him to prove his claim. Proof of
claim.

(3) Subsection 5 of the said section 156 is amended by adding thereto the following clause: Rev. Stat.,
c. 106, s. 156,
subs. 5,
amended.

(aa) a list of the claims not secured by judgment that the judgment debtor has admitted to be valid and that the judge has approved indicating the names of the creditors and the amount of each claim.

2. Subsection 1 of section 158 of *The Division Courts Act* is amended by striking out the words "judgment creditor" in the first line and inserting in lieu thereof the words "creditor named in the consolidation order" and by striking out the word "judgment" in the second line, so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 158,
subs. 1,
amended.

(1) Where any creditor named in the consolidation order objects to the amount directed to be paid or to any other creditor being included in the consolidation order, he may apply to the judge for an appointment to determine the matter. Objection
by creditor.

Rev. Stat.,
c. 106, s. 160,
amended.

3. Section 160 of *The Division Courts Act* is amended by striking out the words "judgment creditors" in the fifth line and inserting in lieu thereof the words "creditors named in the consolidation order", so that the section shall read as follows:

Stay of
proceedings.

160. A judgment debtor in respect of whom a consolidation order has been made may, either before default has occurred or not later than the tenth day after default has occurred, apply to the judge for a stay of proceedings and upon notice of the hearing being mailed to all creditors named in the consolidation order, or such of them as the judge may direct, by registered post, the judge shall hear the application and may by order grant such stay of proceedings as he deems fit or may dismiss the application.

Rev. Stat.,
c. 160, s. 161,
subs. 2,
amended.

4. Subsection 2 of section 161 of *The Division Courts Act* is amended by striking out the word "judgment" in the fifth line, so that the subsection shall read as follows:

Default.

(2) Where a judgment debtor is in default under a consolidation order for a period of 20 days the consolidation order shall, subject to any order under section 160 which may have been made prior to such date, be *ipso facto* terminated and any creditor named in the consolidation order may obtain from the clerk of the court in which the consolidation order was made a certificate of termination for the purpose of filing it in any court in which a copy of the consolidation order is filed.

Rev. Stat.,
c. 106, s. 162,
re-enacted.

5. Section 162 of *The Division Courts Act* is repealed and the following substituted therefor:

Property
in moneys.

162.—(1) All moneys paid to a consolidation account shall belong to the creditors named in the consolidation order who shall share *pro rata* in the distribution of the moneys.

Distribu-
tion.

(2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments or claims at least once every three months, and at the time of distribution shall send to each creditor a distribution sheet showing the total amount paid, and the distribution thereof.

Basis of
distribution.

(3) The distribution shall be on a *pro rata* basis according to the amount of each judgment and claim filed with the clerk, or as nearly so as is practicable to the nearest dollar.

- (4) The clerk shall be entitled to a fee of ten per cent of ^{Fees of} the amount paid in of which amount five per cent ^{clerk.} shall be charged to the creditors named in the consolidation order and five per cent to the judgment debtor.
- (5) The amount of excise stamps and postage shall be ^{Excise} deducted from the amounts paid to the creditors ^{stamps;} named in the consolidation order. ^{postage.}
- 6.** This Act may be cited as *The Division Courts Amendment* ^{Short title.} *Act, 1951.*



BILL

An Act to amend The Division
Courts Act

1st Reading

March 12th, 1951

2nd Reading

3rd Reading

MR. GRUMMETT

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Milk Control Act

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to section 4 of this bill which substitutes a county judge for a board of three arbitrators.

SECTION 2: Self-explanatory.

SECTION 3—Subsection 1. The present clause provides that the Board may "refuse to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient".

Subsection 2. The powers of the Milk Control Board are extended in the manner provided.

SECTION 4. When collective bargaining between producers, processors, distributors, etc., breaks down, a board of arbitration is constituted. It is composed of three members—one representative of each party and a county judge appointed by the Minister of Agriculture, as chairman. The amendment substitutes a sole arbitrator, appointed by the Minister, who must be a county judge.

BILL

An Act to amend The Milk Control Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 1, cl. *b*, re-enacted.

(*b*) "award" means an award made by an arbitrator under this Act.

2. Section 2 of *The Milk Control Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 2, amended.

(5) In addition to his vote as a member of the Board, the chairman shall have a casting vote. Casting vote.

3.—(1) Clause *g* of subsection 1 of section 5 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 5, subs. 1, cl. *g*, re-enacted.

(*g*) refuse to grant a licence where the applicant is not qualified by financial responsibility and equipment to properly conduct the proposed business.

(2) Subsection 1 of the said section 5 is further amended by adding thereto the following clause: Rev. Stat., c. 233, s. 5, subs. 1, amended.

(*hh*) after a public hearing, prescribe the maximum price at which milk may be sold by retail in any market.

4. Section 8 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 8, re-enacted.

8.—(1) When collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the representatives of the other party and to the Minister, require all matters in dispute to be referred to an Failure to agree, arbitration.

arbitrator who shall be appointed by the Minister and who shall be a judge of a county or district court.

Costs.

- (2) Each of the parties to the arbitration shall assume its own costs of the arbitration.

Rev. Stat.,
c. 233, s. 9,
subs. 2,
re-enacted.

5.—(1) Subsection 2 of section 9 of *The Milk Control Act* is repealed and the following substituted therefor:

Negotiations
for new
agreements.

- (2) Where negotiations for a new agreement are commenced and a new agreement is not reached before the existing agreement or award expires, the existing agreement or award shall remain in force until the new agreement or award is in force.

Rev. Stat.,
c. 233, s. 9,
subs. 3,
amended.

(2) Subsection 3 of the said section 9 is amended by striking out the words and figure "subsection 2 or" in the first line, so that the subsection shall read as follows:

Re-negotia-
tion.

- (3) Notwithstanding that a date of termination is provided in an agreement or award the Board may at any time upon application of any party thereto provide for the re-negotiation of any of its terms, but until a new agreement comes into force the existing agreement or award shall remain in force as though no such application has been made.

Rev. Stat.,
c. 233, s. 10,
subs. 2,
amended.

6. Subsection 2 of section 10 of *The Milk Control Act* is amended by striking out the words "or the part thereof designated in his licence" in the twelfth line, so that the subsection shall read as follows:

Persons
entitled
to process
or distribute
milk.

- (2) Only the processors or distributors in the market at the time the agreement or award was made shall be entitled to process or distribute milk in the market, provided that any other processor or distributor,
- (a) who complies with the laws relating to the sanitation, weighing, handling and care of milk;
 - (b) who has arranged for a supply of milk; and
 - (c) who has obtained a licence as a processor or distributor from the Board and a municipal licence where the same is required,

shall be entitled to process or distribute milk in the market and shall be bound by the agreement or award and every other matter relating to the market-

SECTION 5. Subsection 2 of section 9 of the present Act provides that "if no date of termination is provided in an agreement or award it shall remain in force for one year".

SECTION 6. Complementary to the repeal of section 14 of the Act—
see note to section 8 of this bill.

SECTION 7. Self-explanatory.

SECTION 8. The section repealed reads as follows:

14.—(1) Any licence issued under this Act to a distributor may specify one or more distribution areas.

(2) Where one or more distribution areas are specified in a licence, the distributor to whom it is issued shall not distribute milk in any area other than the area or areas so specified.

SECTION 9. Complementary to the repeal of section 14 of the Act—see note to section 8 of this bill.

SECTION 10. Self-explanatory.

ing of milk in the same manner as other processors or distributors in the market.

7. Section 11 of *The Milk Control Act* is amended by inserting after the word "producers" where it occurs in the third line of subsection 1 and in the first line of subsection 2 the words "or the marketing agency", so that the section shall read as follows:

Rev. Stat.,
c. 233, s. 11,
amended.

11.—(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices determined by the agreement or award, failing which the processors or distributors may obtain the additional milk required as they see fit.

Where
additional
milk
required.

(2) If the producers or the marketing agency supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit.

Where
additional
milk
produced.

8. Section 14 of *The Milk Control Act* is repealed.

Rev. Stat.,
c. 233, s. 14,
repealed.

9. Clause *b* of subsection 1 of section 15 of *The Milk Control Act* is repealed.

Rev. Stat.,
c. 233, s. 15,
subs. 1, cl. b,
repealed.

10.—(1) Any increase in the price at which milk is sold by retail in a market on or after the 15th day of March, 1951, and before a maximum price applicable in that market has been prescribed under *The Milk Control Act* is void and of no effect.

No increase
in retail
price of
milk.

Rev. Stat.,
c. 233.

(2) Every person who offers for sale or sells milk by retail in a market at a price higher than the retail price in that market on the 14th day of March, 1951, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500.

Offence and
penalty.

(3) Subsection 2 applies only to offers for sale and sales made before a maximum price applicable in the market has been prescribed under *The Milk Control Act*.

Application
of subs. 2.

11. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment.

12. This Act may be cited as *The Milk Control Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Milk Control Act

1st Reading

March 15th, 1951

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Milk Control Act

MR. KENNEDY

*(Reprinted as amended by the Committee on Agriculture
and Colonization)*

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to section 4 of this bill which substitutes the Milk Control Board for a board of three arbitrators.

SECTION 2: Self-explanatory.

SECTION 3. The powers of the Milk Control Board are extended in the manner provided.

SECTION 4. When collective bargaining between producers, processors, distributors, etc., breaks down, a board of arbitration is constituted. It is composed of three members—one representative of each party and a county judge appointed by the Minister of Agriculture, as chairman. The amendment substitutes the Milk Control Board.

No. 129

1951

BILL

An Act to amend The Milk Control Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 1, cl. *b*, re-enacted.

(*b*) "award" means an award made by the Board under this Act.

2. Section 2 of *The Milk Control Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 5, amended.

(5) In addition to his vote as a member of the Board, the chairman shall have a casting vote. Casting vote.

3. Subsection 1 of section 5 of *The Milk Control Act* is amended by adding thereto the following clause: Rev. Stat., c. 233, s. 5, subs. 1, amended.

(*hh*) after a public hearing, prescribe maximum prices at which milk may be sold by retail in any market.

4. Section 8 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 8, re-enacted.

8.—(1) When collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the representatives of the other party and to the Minister, require all matters in dispute to be referred to the Board which shall arbitrate the same after a public hearing. Failure to agree. arbitration.

(2) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs.

Rev. Stat.,
c. 233, s. 9,
subss. 2, 3,
re-enacted.

5. Subsections 2 and 3 of section 9 of *The Milk Control Act* are repealed and the following substituted therefor:

Term.

(2) Every agreement and award shall remain in force until a new agreement or award is in force.

Re-negotiation.

(3) The Board may at any time upon the application of any party to an agreement or award provide for the re-negotiation of any of its terms by way of collective bargaining under section 7, and failing agreement, by arbitration under section 8.

Rev. Stat.,
c. 233, s. 11,
subs. 1,
amended.

6.—(1) Subsection 1 of section 11 of *The Milk Control Act* is amended by inserting after the word “producers” in the third line the words “or the marketing agency” and by striking out the words “as they see fit” in the eighth line and inserting in lieu thereof the words “at the prices determined by the agreement or award”, so that the subsection shall read as follows:

Where
additional
milk
required.

(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices determined by the agreement or award, failing which the processors or distributors may obtain the additional milk required at the prices determined by the agreement or award.

Rev. Stat.,
c. 233, s. 11,
subs. 2,
amended.

(2) Subsection 2 of the said section 11 is amended by inserting after the word “producers” in the first line the words “or the marketing agency”, so that the subsection shall read as follows:

Where
additional
milk
produced.

(2) If the producers or the marketing agency supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit.

No increase
in retail
price of
milk.

Rev. Stat.,
c. 233.

7.—(1) Any increase in the price at which milk is sold by retail in a market on or after the 15th day of March, 1951, and before a maximum price applicable in that market has been prescribed under *The Milk Control Act* is void and of no effect.

SECTION 5. Self-explanatory.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.



(2) Every person who offers for sale or sells milk by retail in a market at a price higher than the retail price in that market on the 14th day of March, 1951, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500. ^{Offence and penalty.}

(3) Subsection 2 applies only to offers for sale and sales made before a maximum price applicable in the market has been prescribed under *The Milk Control Act*. ^{Application of subs. 2.}

8. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement.}

9. This Act may be cited as *The Milk Control Amendment Act, 1951*. ^{Short title.}

BILL

An Act to amend The Milk Control Act

1st Reading

March 15th, 1951

2nd Reading

March 16th, 1951

3rd Reading

MR. KENNEDY

*(Reprinted as amended by the Committee on
Agriculture and Colonization)*

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Milk Control Act

MR. KENNEDY

No. 129

1951

BILL

An Act to amend The Milk Control Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 1, cl. *b*, re-enacted.

(*b*) "award" means an award made by the Board under this Act.

2. Section 2 of *The Milk Control Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 2, amended.

(5) In addition to his vote as a member of the Board, the chairman shall have a casting vote. Casting vote.

3. Subsection 1 of section 5 of *The Milk Control Act* is amended by adding thereto the following clause: Rev. Stat., c. 233, s. 5, subs. 1, amended.

(*hh*) after a public hearing, prescribe maximum prices at which milk may be sold by retail in any market.

4. Section 8 of *The Milk Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 8, re-enacted.

8.—(1) When collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are not satisfied that an agreement under section 7 cannot be reached, they may, by notice to the representatives of the other party and to the Minister, require all matters in dispute to be referred to the Board which shall arbitrate the same after a public hearing. Failure to agree, arbitration.

(2) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs.

Rev. Stat.,
c. 233, s. 9,
subss. 2, 3,
re-enacted.

5. Subsections 2 and 3 of section 9 of *The Milk Control Act* are repealed and the following substituted therefor:

Term.

(2) Every agreement and award shall remain in force until a new agreement or award is in force.

Re-negotia-
tion.

(3) The Board may at any time upon the application of any party to an agreement or award provide for the re-negotiation of any of its terms by way of collective bargaining under section 7, and failing agreement, by arbitration under section 8.

Rev. Stat.,
c. 233, s. 11,
subs. 1,
amended.

6.—(1) Subsection 1 of section 11 of *The Milk Control Act* is amended by inserting after the word “producers” in the third line the words “or the marketing agency” and by striking out the words “may obtain the additional milk required as they see fit” in the seventh and eighth lines and inserting in lieu thereof the words “may obtain elsewhere the additional milk required at the prices determined by the agreement or award”, so that the subsection shall read as follows:

Where
additional
milk
required.

(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices determined by the agreement or award, failing which the processors or distributors may obtain elsewhere the additional milk required at the prices determined by the agreement or award.

Rev. Stat.,
c. 233, s. 11,
subs. 2,
amended.

(2) Subsection 2 of the said section 11 is amended by inserting after the word “producers” in the first line the words “or the marketing agency”, so that the subsection shall read as follows:

Where
additional
milk
produced.

(2) If the producers or the marketing agency supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit.

No increase
in retail
price of
milk.

Rev. Stat.,
c. 233,

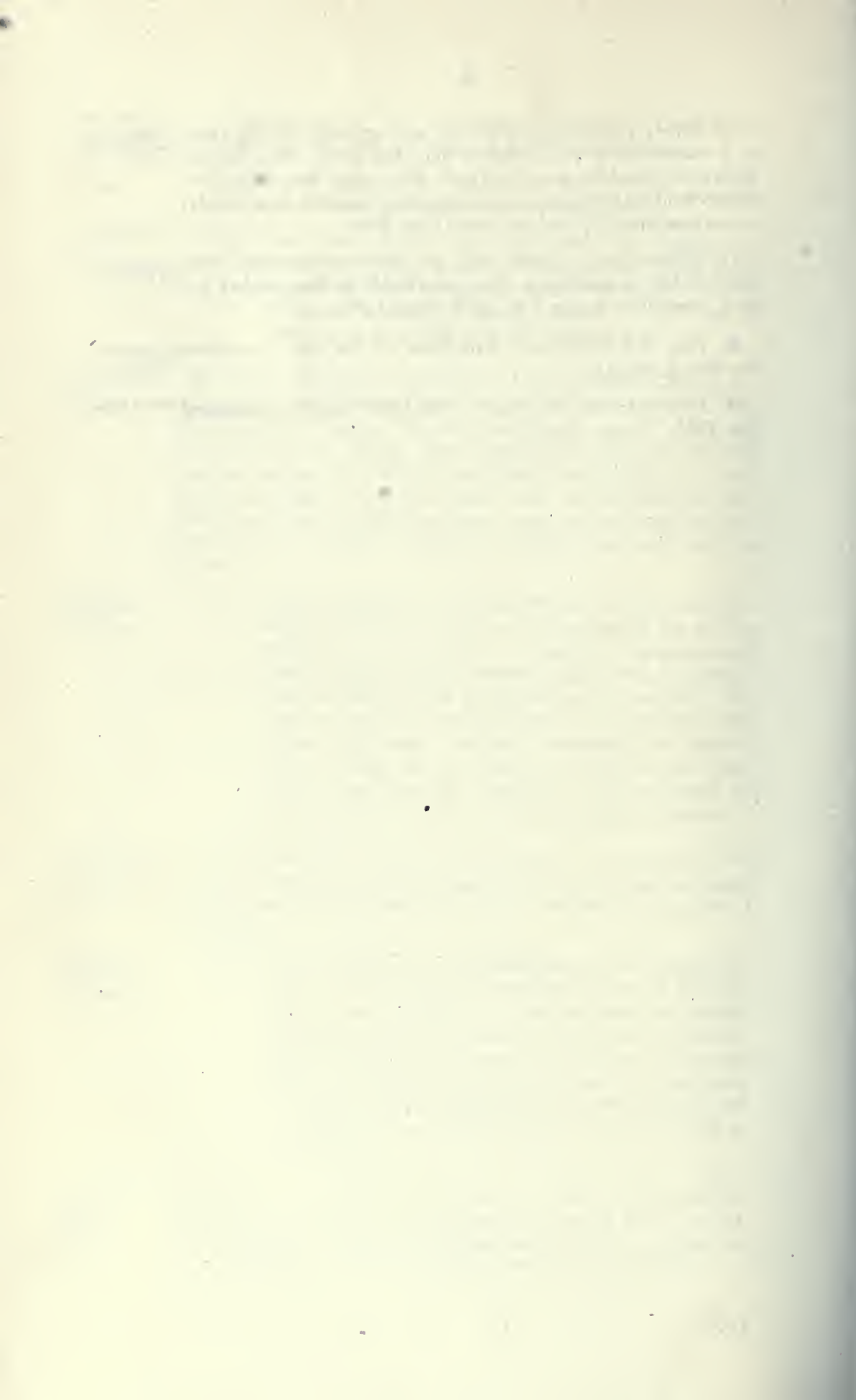
7.—(1) Any increase in the price at which milk is sold by retail in a market on or after the 15th day of March, 1951, and before a maximum price applicable in that market has been prescribed under *The Milk Control Act* is void and of no effect.

(2) Every person who offers for sale or sells milk by retail in a market at a price higher than the retail price in that market on the 14th day of March, 1951, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than ~~\$50~~ and not more than \$500. ^{Offence and penalty.}

(3) Subsection 2 applies only to offers for sale and sales made before a maximum price applicable in the market has been prescribed under *The Milk Control Act*. ^{Application of subs. 2.}

8. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement.}

9. This Act may be cited as *The Milk Control Amendment Act, 1951*. ^{Short title.}



BILL

An Act to amend The Milk Control Act

1st Reading

March 15th, 1951

2nd Reading

March 16th, 1951

3rd Reading

March 21st, 1951

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Game and Fisheries Act

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTION 1. Hereafter wapiti (members of the deer family) are to be treated in all respects the same as deer.

SECTION 2. Only camps "occupied by anglers and hunters" can be inspected under the present provision. Hereafter camps occupied by *or catering to anglers or hunters* can be inspected.

SECTION 3. This amendment makes it clear that the holder of a trapper's licence need not have a gun licence to carry or use a fire-arm.

SECTION 4. The subsection repealed provides that "the Deputy Minister may issue a licence to any person to possess live game for scientific or educational purposes or as a pet". This matter is now dealt with more extensively in the new section 17*a* added to the Act by section 5 of this bill.

SECTION 5. The provisions now applicable to wolves and bears under *The Wolf and Bear Bounty Act* are made applicable to all live game.

BILL

An Act to amend The Game and Fisheries Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fisheries Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 153, s. 1,
amended.

(bb) "deer" includes wapiti.

2. Subsection 5 of section 6 of *The Game and Fisheries Act* is amended by striking out the words "anglers and hunters" in the first and second lines and inserting in lieu thereof the words "or catering to anglers or hunters", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 6,
subs. 5,
amended.

(5) An officer may inspect all camps occupied by or catering to anglers or hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires. Inspection
of camps.

3. Subsection 3 of section 11 of *The Game and Fisheries Act* is amended by adding at the end thereof the words "or to the holder of a licence to trap fur-bearing animals", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 11,
subs. 3,
amended.

(3) Subsections 1 and 2 shall not apply to a farmer or his sons residing and hunting on his lands or to the holder of a licence to trap fur-bearing animals. Exceptions.

4. Subsection 3 of section 17 of *The Game and Fisheries Act* is repealed. Rev. Stat.,
c. 153, s. 17,
subs. 3,
repealed.

5. *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat.,
c. 153,
amended.

17a.—(1) Every person in possession or control of any live game shall within ten days after coming into such possession or control apply in writing to the Minister for a permit to keep the same in captivity. Live game
kept in
captivity.

Issuance
of permits.

- (2) The Minister may issue permits under this section in such form and subject to such terms and conditions as he may in his discretion deem proper.

Refusal and
cancellation
of permits.

- (3) The Minister may refuse to issue a permit under this section and may cancel any such permit at any time when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offences
and
penalties.

- (4) Every person who fails to comply with subsection 1 or who keeps any live game in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term of not more than three months unless the penalty is sooner paid.

Seizure of
animals,
cages, etc.

- (5) Any live game kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized, and upon conviction of the person in possession or control thereof, shall be forwarded to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Applica-
tion of
section.

- (6) This section shall not apply where any live game is kept in captivity in any public zoo or for scientific or educational purposes in any public institution.

Rev. Stat.,
c. 153, s. 21,
subs. 2,
re-enacted.

6. Subsection 2 of section 21 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Interpre-
tation.

- (2) In this section, "tourist outfitter's camp" means a fixed or moveable place of business on land or water at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

Rev. Stat.,
c. 153, s. 29,
amended.

7. Section 29 of *The Game and Fisheries Act* is amended by striking out the words "moose or wapiti" in the second line and inserting in lieu thereof the words "or moose", so that the section shall read as follows:

Open
seasons.

29. No person shall hunt, kill or destroy, or attempt to hunt, kill or destroy any caribou, deer or moose, except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe.

SECTION 6. Section 21 of the Act requires tourist outfitters' camps located north of a boundary line to be licensed. The definitions of "tourist outfitter", "camp" and "tourist" in the present section are unsuited to meet certain specific situations. The new definition, being expressed in more general terms, will, it is hoped, give the desired coverage.

SECTION 7. See note to section 1 of this bill. All specific references throughout the Act to wapiti are deleted.

SECTION 8. The clause repealed reads:

(4) No person shall,

.

(c) at any time hunt, take, kill or molest any female deer of any age or any male deer under the age of one year except under subsections 3 and 4 of section 31.

SECTION 9. The so-called "buck law" is repealed. The bag limit next season will be one deer of either sex and of any age to resident and non-resident licence holders.

SECTION 10—Subsection 1. Self-explanatory.

Subsection 2. The present provision prohibits the use of snares during the month preceding the open season for deer and moose. It does not apply to the district of Cochrane and under it the Lieutenant-Governor in Council has no power to extend the parts of Ontario to which the prohibition applies as he has under the substituted provision.

8. Clause *c* of subsection 4 of section 30 of *The Game and Fisheries Act* is repealed. Rev. Stat.,
c. 153, s. 30,
subs. 4, cl. *c*,
repealed.

9. Subsections 1 to 5 of section 31 of *The Game and Fisheries Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 31,
subs. 1, 2, 3,
re-enacted;
subs. 4, 5,
repealed.

- (1) No resident shall during any one year or season take or kill more than one bull moose over one year of age under a moose licence and one deer under a resident deer licence, but this subsection shall not apply to deer which are the private property of any resident and which are killed or taken by him or by his direction or with his consent upon his own land under section 41. Number of
moose and
deer
residents
may take.
- (2) No non-resident shall during any one year or season take or kill more than one bull moose over one year of age or one deer. Number of
moose and
deer
non-residents
may take.
- (3) Notwithstanding subsection 1, a hunting party of four or more residents holding one or more camp licences may take or kill one deer for each camp licence held by the party. Number of
deer which
may be taken
under camp
licence.

10.—(1) Subsection 5 of section 32 of *The Game and Fisheries Act* is amended by inserting after the word "Frontenac" in the eighth line the words "and in the township of Longford in the county of Victoria", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 32,
subs. 5,
amended.

- (5) No person shall use snares for any purpose in the county of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo or York, provided that snares may be used for the taking of wolves in the townships of Canonto and Palmerston in the county of Frontenac and in the township of Longford in the county of Victoria from the 1st day of December to the 30th day of April. Snares
prohibited
in certain
areas.

(2) Subsection 6 of the said section 32 is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 32,
subs. 6,
re-enacted.

- (6) No person shall use snares for any purpose during the open season for deer and moose in any part of Ontario, except in the districts of Cochrane, Rainy River, Kenora and Thunder Bay and such other parts of Ontario as the Lieutenant-Governor in Council may prescribe. Snares in
open season.

Rev. Stat.,
c. 153, s. 43,
amended.

11. Section 43 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the second line and inserting in lieu thereof the words "or caribou", so that the section shall read as follows:

Purchase
or sale of
game.

43. No person shall sell or purchase any bird mentioned in section 37, or any deer, moose or caribou, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 153, s. 46,
amended.

12. Section 46 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

- (aa) have any air-gun, gun, rifle or fire-arm in his possession, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following, except as may be provided by the regulations.

Rev. Stat.,
c. 153, s. 73,
subs. 1,
re-enacted.

13. Subsection 1 of section 73 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Prosecu-
tions.

- (1) Where an offence against this Act has been committed near or on a boundary line between two counties or between two districts or between a county and a district, the prosecution may be brought and heard in either of them.

Rev. Stat.,
c. 153, s. 75,
subs. 1,
cl. a,
amended.

14. Clause *a* of subsection 1 of section 75 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the first line and inserting in lieu thereof the words "or caribou" and by striking out the words "or wapiti" in the second line of subclause iii, so that the clause shall read as follows:

- (a) deer, moose or caribou shall be liable to a penalty,
- (i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,
 - (ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or

SECTION 11. See note to section 7 of this bill.

SECTION 12. This clause is new and applies in any locality which game usually inhabits or in which game is usually found. It is preceded by the words "no person shall".

SECTION 13. The present subsection is unduly restrictive in that it requires the information to be laid and the case heard before the same magistrate. This restriction is removed and the provision brought into line with modern court practices.

SECTION 14. See note to section 7 of this bill.

SECTION 15. The power of the Lieutenant-Governor in Council is widened so that he may control by regulation the issue of all types of licences to persons under sixteen, including trappers' licences which are excluded from the present clause.

(iii) of not less than \$50 and not more than \$200
for each deer the subject of the prosecution.

15. Clause *d* of section 77 of *The Game and Fisheries Act* Rev. Stat.,
c. 153, s. 77,
cl. 4, re-
enacted.
is repealed and the following substituted therefor:

(*d*) prescribing the terms and conditions upon which
licences may be issued to persons under sixteen years
of age.

16. This Act shall come into force on the day it receives Commence-
ment.
the Royal Assent.

17. This Act may be cited as *The Game and Fisheries* Short title.
Amendment Act, 1951.

BILL

An Act to amend The Game and Fisheries Act

1st Reading

March 15th, 1951

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

No. 130

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Game and Fisheries Act

MR. SCOTT (Peterborough)

TORONTO
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1918

No. 130

1951

BILL

An Act to amend The Game and Fisheries Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fisheries Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 153, s. 1,
amended.

(bb) "deer" includes wapiti.

2. Subsection 5 of section 6 of *The Game and Fisheries Act* is amended by striking out the words "anglers and hunters" in the first and second lines and inserting in lieu thereof the words "or catering to anglers or hunters", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 6,
subs. 5,
amended.

(5) An officer may inspect all camps occupied by or catering to anglers or hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires. Inspection
of camps.

3. Subsection 3 of section 11 of *The Game and Fisheries Act* is amended by adding at the end thereof the words "or to the holder of a licence to trap fur-bearing animals", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 11,
subs. 3,
amended.

(3) Subsections 1 and 2 shall not apply to a farmer or his sons residing and hunting on his lands or to the holder of a licence to trap fur-bearing animals. Exceptions.

4. Subsection 3 of section 17 of *The Game and Fisheries Act* is repealed. Rev. Stat.,
c. 153, s. 17,
subs. 3,
repealed.

5. *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat.,
c. 153,
amended.

17a.—(1) Every person in possession or control of any live game shall within ten days after coming into such possession or control apply in writing to the Minister for a permit to keep the same in captivity. Live game
kept in
captivity.

Issuance
of permits.

- (2) The Minister may issue permits under this section in such form and subject to such terms and conditions as he may in his discretion deem proper.

Refusal and
cancellation
of
permits.

- (3) The Minister may refuse to issue a permit under this section and may cancel any such permit at any time when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offences
and
penalties.

- (4) Every person who fails to comply with subsection 1 or who keeps any live game in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term of not more than three months unless the penalty is sooner paid.

Seizure of
animals,
cages, etc.

- (5) Any live game kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized, and upon conviction of the person in possession or control thereof, shall be forwarded to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Applica-
tion of
section.

- (6) This section shall not apply where any live game is kept in captivity in any public zoo or for scientific or educational purposes in any public institution.

Rev. Stat.,
c. 153, s. 21,
subs. 2,
re-enacted.

6. Subsection 2 of section 21 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Interpre-
tation.

- (2) In this section, "tourist outfitter's camp" means a fixed or moveable place of business on land or water at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

Rev. Stat.,
c. 153, s. 29,
amended.

7. Section 29 of *The Game and Fisheries Act* is amended by striking out the words "moose or wapiti" in the second line and inserting in lieu thereof the words "or moose", so that the section shall read as follows:

Open
seasons.

29. No person shall hunt, kill or destroy, or attempt to hunt, kill or destroy any caribou, deer or moose, except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe.

8. Clause *c* of subsection 4 of section 30 of *The Game and Fisheries Act* is repealed. Rev. Stat., c. 153, s. 30, subs. 4, cl. *c*, repealed.

9. Subsections 1 to 5 of section 31 of *The Game and Fisheries Act* are repealed and the following substituted therefor: Rev. Stat., c. 153, s. 31, subs. 1, 2, 3, re-enacted; subs. 4, 5, repealed.

- (1) No resident shall during any one year or season take or kill more than one bull moose over one year of age under a moose licence and one deer under a resident deer licence, but this subsection shall not apply to deer which are the private property of any resident and which are killed or taken by him or by his direction or with his consent upon his own land under section 41. Number of moose and deer residents may take.
- (2) No non-resident shall during any one year or season take or kill more than one bull moose over one year of age or one deer. Number of moose and deer non-residents may take.
- (3) Notwithstanding subsection 1, a hunting party of four or more residents holding one or more camp licences may take or kill one deer for each camp licence held by the party. Number of deer which may be taken under camp licence.

10.—(1) Subsection 5 of section 32 of *The Game and Fisheries Act* is amended by inserting after the word "Frontenac" in the eighth line the words "and in the township of Longford in the county of Victoria", so that the subsection shall read as follows: Rev. Stat., c. 153, s. 32, subs. 5, amended.

- (5) No person shall use snares for any purpose in the county of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo or York, provided that snares may be used for the taking of wolves in the townships of Canonto and Palmerston in the county of Frontenac and in the township of Longford in the county of Victoria from the 1st day of December to the 30th day of April. Snares prohibited in certain areas.

(2) Subsection 6 of the said section 32 is repealed and the following substituted therefor: Rev. Stat., c. 153, s. 32, subs. 6, re-enacted.

- (6) No person shall use snares for any purpose during the open season for deer and moose in any part of Ontario, except in the districts of Cochrane, Rainy River, Kenora and Thunder Bay and such other parts of Ontario as the Lieutenant-Governor in Council may prescribe. Snares in open season.

Rev. Stat.,
c. 153, s. 43,
amended.

11. Section 43 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the second line and inserting in lieu thereof the words "or caribou", so that the section shall read as follows:

Purchase
or sale of
game.

43. No person shall sell or purchase any bird mentioned in section 37, or any deer, moose or caribou, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 153, s. 46,
amended.

12. Section 46 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(aa) have any air-gun, gun, rifle or fire-arm in his possession, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following, except as may be provided by the regulations.

Rev. Stat.,
c. 153, s. 73,
subs. 1,
re-enacted.

13. Subsection 1 of section 73 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Prosecu-
tions.

(1) Where an offence against this Act has been committed near or on a boundary line between two counties or between two districts or between a county and a district, the prosecution may be brought and heard in either of them.

Rev. Stat.,
c. 153, s. 75,
subs. 1,
cl. a,
amended.

14. Clause *a* of subsection 1 of section 75 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the first line and inserting in lieu thereof the words "or caribou" and by striking out the words "or wapiti" in the second line of subclause iii, so that the clause shall read as follows:

- (a) deer, moose or caribou shall be liable to a penalty,
 - (i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,
 - (ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or

(iii) of not less than \$50 and not more than \$200 for each deer the subject of the prosecution.

15. Clause *d* of section 77 of *The Game and Fisheries Act* Rev. Stat.,
c. 153, s. 77,
cl. d, re-
enacted. is repealed and the following substituted therefor:

(*d*) prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age.

16. This Act shall come into force on the day it receives Commence-
ment. the Royal Assent.

17. This Act may be cited as *The Game and Fisheries Amendment Act, 1951.* Short title.

An Act to amend The Game and
Fisheries Act

1st Reading

March 15th, 1951

2nd Reading

March 19th, 1951

3rd Reading

March 27th, 1951

MR. SCOTT (Peterborough)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Lands Act

MR. SCOTT (Peterborough)

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. In the past many Crown lands disposed of to settlers for agricultural purposes have been subject to the right of a licensee to cut the timber on the lands.

The effect of these amendments is to cancel these licences in respect of these lands and vest the timber thereon in the owners.

The present provisions of the Act under which the Crown exercises a degree of control over the cutting of timber by the settler before the patent is issued to him, are retained—see the new section 57.

These amendments also cancel clauses in grants of Crown lands for agricultural purposes that reserve to the Crown any kind or class of tree—see the new section 57*a* (1).

In the case of lands disposed of by the Crown to veterans of the Fenian Raid and the Boer War—see the new section 57*a* (2).

No. 131

1951

BILL

An Act to amend The Public Lands Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 37, 47 and 48 of *The Public Lands Act* are repealed. Rev. Stat., c. 309, ss. 37, 47, 48, repealed.
2. Section 55 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 309, s. 55, re-enacted.

55. The Lieutenant-Governor in Council may open for sale under Part I or for location and sale under Part II to actual settlers any lands that he deems suitable for agricultural purposes. Opening of lands for location and sale.
3. Section 57 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 309, s. 57, re-enacted.

57.—(1) All trees on land that has been disposed of under this Act for agricultural purposes shall remain the property of the Crown until the issuance of letters patent, whereupon the property in such trees shall pass to the patentee. Reservation of trees.

(2) During the time the trees on land that has been disposed of under this Act for agricultural purposes remain the property of the Crown, the purchaser or locatee of such land, or anyone claiming under him, may cut and use all such trees as are necessary for building on and fencing such land, and he may cut and dispose of all such trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer authorized by the Minister for the purpose. Cutting rights of settlers before patent.

(3) All trees cut under subsection 2 and sold or bartered shall be subject to the payment of the same charges Payment of Crown dues.

as are at the time payable by the holders of licences to cut timber, unless the Minister otherwise directs in writing.

Revocation
of timber
licences on
settlers'
land.

- (4) If a licence to cut timber on land disposed of under this Act for agricultural purposes is subsisting, it shall be deemed to be revoked and cancelled in respect of such land,

(a) as of the 31st day of March, 1951, in the case of such land disposed of before this Act comes into force; and

(b) as of the date of the disposition, in the case of such land disposed of after this Act comes into force,

and in any such case the Minister may compensate the holder of any such licence by granting to him a licence to cut timber elsewhere.

Property
in trees
vested in
patentee.

- 57a.—(1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void.

Release from
reservation
of pine
trees.

- (2) Where letters patent issued for lands disposed of under the Act entitled *An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866*, being chapter 6 of the Statutes of Ontario, 1901, reserve pine trees to the Crown and the land is not under timber licence, the Minister upon application to the owner may make an order releasing and discharging the land from the reservation of pine trees,

(a) upon payment of a purchase price determined by the Minister; or

(b) without payment,

(i) if the owner resides on or within 10 miles of the land, or

(ii) if the pine trees exclusive of those planted by the owner do not exceed on an average 500 feet log measure per acre and the owner plants at least 10 per cent of the



SECTION 4. Self-explanatory.

land with trees as a private reforestation project satisfactory to the Minister.

- (3) Any order made under subsection 2 may be registered in the proper registry or land titles office. Orders may be registered.

- 57b. In sections 57 and 57a, the expression "this Act" includes any predecessor of this Act. Interpretation.

4. *The Public Lands Act* is amended by adding thereto the following section: Rév. Stat., c. 309, amended.

63. Where letters patent have issued granting summer resort lands subject to the conditions that the patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, the said conditions shall be deemed to be void and of no effect. Building conditions in patents voided.

5. This Act shall come into force on the day it receives the Royal Assent. Commencement.

6. This Act may be cited as *The Public Lands Amendment Act, 1951*. Short title.

BILL

An Act to amend The Public Lands Act

1st Reading

March 15th, 1951

2nd Reading

3rd Reading

Mr. SCOTT (Peterborough)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Lands Act

MR. SCOTT (Peterborough)

No. 131

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(i) if the owner resides on or within 10 miles of the land, or

(ii) if the pine trees exclusive of those planted by the owner do not exceed on an average 500 feet log measure per acre and the owner plants at least 10 per cent of the

land with trees as a private reforestation project satisfactory to the Minister.

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BILL

An Act to amend The Public Lands Act

1st Reading

March 15th, 1951

2nd Reading

March 19th, 1951

3rd Reading

March 27th, 1951

MR. SCOTT (Peterborough)

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to approve an Agreement between Canada and Ontario
respecting the Development of the Niagara River

MR. CHALLIES



No. 132

1951

BILL

An Act to approve an Agreement between Canada and Ontario respecting the Development of the Niagara River

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreement made the 27th day of March, 1950, Can.-Ont.
agreement
between the Government of Canada and the Government of approved.
Ontario, set out as the Schedule to this Act, is approved.

2. This Act shall come into force on the day it receives the Commence-
ment.
Royal Assent.

3. This Act may be cited as *The Niagara Development* Short title.
Agreement Act, 1951.

SCHEDULE

AGREEMENT BETWEEN CANADA AND ONTARIO

AGREEMENT made this 27th day of March, 1950.

BETWEEN:

The Government of Canada, herein represented by
The Right Honourable LOUIS S. ST. LAURENT,

OF THE FIRST PART,

—and—

The Government of Ontario, herein represented by
The Honourable LESLIE M. FROST,

OF THE SECOND PART.

WHEREAS a treaty hereinafter referred to as the Niagara Diversion Treaty has now been signed by the Government of Canada and the Government of the United States of America to supplement the Boundary Waters Treaty of 1909 and amend Article V of that Treaty with respect to the diversion of water from the Niagara River and the division of diverted water between the United States of America and Canada; and

WHEREAS it is desirable that an Agreement be made between Canada and Ontario in respect of the utilization of the flow of the waters of the Niagara River to be in accordance with the Niagara Diversion Treaty:

NOW THEREFORE This Agreement Witnesseth:

ARTICLE I

This Agreement is conditional upon the ratification of the Niagara Diversion Treaty by Canada and the United States of America.

ARTICLE II

Ontario undertakes to construct the Canadian portion of such remedial works in the Niagara River as may be agreed upon by Canada and the United States of America pursuant to Article II of the Niagara Diversion Treaty and to pay the Canadian share of the cost of the remedial works constructed pursuant to that Article. Canada undertakes to consult Ontario before giving approval to such recommendations as the International Joint Commission may make as to the nature and design of such remedial works.

ARTICLE III

Canada, without delay, will authorize and make available to Ontario such diversions of the water specified in Article III of the Niagara Diversion Treaty, for power purposes, as Canada is from time to time enabled to authorize under the terms of said Treaty.

ARTICLE IV

Ontario undertakes to make provision for the disposition of claims and for the satisfaction of any valid claims arising out of the damage or injury to persons or property occurring in Canadian territory in connection with the construction and operation of any of the works authorized or provided for by this Agreement.

ARTICLE V

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, the Niagara Diversion Treaty has not come into force within two years from the date of this Agreement, either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable LOUIS S. ST. LAURENT has hereunto set his hand on behalf of Canada and the Honourable LESLIE M. FROST has hereunto set his hand on behalf of Ontario; both upon the twenty-seventh day of March, in the year of Our Lord one thousand nine hundred and fifty.

LOUIS S. ST. LAURENT.

LESLIE M. FROST.



BILL

An Act to approve an Agreement between
Canada and Ontario respecting the Deve-
lopment of the Niagara River

1st Reading

March 19th, 1951

2nd Reading

3rd Reading

MR. CHALLES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to approve an Agreement between Canada and Ontario
respecting the Development of the Niagara River

MR. CHALLIES

No. 132

1951

BILL

An Act to approve an Agreement between Canada and Ontario respecting the Development of the Niagara River

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreement made the 27th day of March, 1950, <sup>Can.-Ont.
agreement</sup> between the Government of Canada and the Government of ^{approved.} Ontario, set out as the Schedule to this Act, is approved.

2. This Act shall come into force on the day it receives the <sup>Commence-
ment.</sup> Royal Assent.

3. This Act may be cited as *The Niagara Development* ^{Short title.} *Agreement Act, 1951.*

SCHEDULE

AGREEMENT BETWEEN CANADA AND ONTARIO

AGREEMENT made this 27th day of March, 1950.

BETWEEN:

The Government of Canada, herein represented by
The Right Honourable LOUIS S. ST. LAURENT,

OF THE FIRST PART,

—and—

The Government of Ontario, herein represented by
The Honourable LESLIE M. FROST,

OF THE SECOND PART.

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ARTICLE V

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LOUIS S. ST. LAURENT.

LESLIE M. FROST.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
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CHICAGO, ILLINOIS 60607-7070

BILL

An Act to approve an Agreement between
Canada and Ontario respecting the Deve-
lopment of the Niagara River

1st Reading

March 19th, 1951

2nd Reading

March 21st, 1951

3rd Reading

March 28th, 1951

MR. CHALLIES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to provide for the Regulation of Leaseholds

MR. PORTER

BILL

An Act to provide for the Regulation of Leaseholds

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, the expression "Wartime Leasehold Regulations" means, Wartime Leasehold Regulations defined.

- (a) the Orders in Council affecting dwelling places in Ontario made from time to time by the Governor-General in Council; and
- (b) the orders and regulations made from time to time pursuant to authority conferred by such Orders in Council,

that by virtue of *The War Measures Act* (Canada), *The National Emergency Transitional Powers Act, 1945* (Canada) R.S.C. c. 206; 1945, c. 25 (Can.); 1947, c. 16 (Can.). and *The Continuation of Transitional Measures Act, 1947* (Canada) were in force immediately preceding the day on which such Orders in Council, orders and regulations ceased to be in force under the authority of the Parliament of Canada.

2. The administration of this Act shall be under the control and direction of such minister as may be designated by the Lieutenant-Governor in Council. Administration of Act.

3. The Wartime Leasehold Regulations shall continue in force in Ontario as if they were enacted as part of this Act. Continuation of Wartime Leasehold Regulations.

4. Anything heretofore done under and in accordance with the Wartime Leasehold Regulations shall be deemed to have been done under and in accordance with this Act. Continuation of proceedings, etc.

5.—(1) In order that matters of rentals and tenure may be dealt with and adjusted in a fair and equitable manner to Powers of Lieutenant-Governor in Council.

all parties, the Lieutenant-Governor in Council may exercise any of the powers formerly exercisable by the Wartime Prices and Trade Board with respect to the Wartime Leasehold Regulations, and without limiting the generality of the foregoing the Lieutenant-Governor in Council may make regulations,

- (a) providing for the administration and enforcement of the Wartime Leasehold Regulations;
- (b) in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations.

Regulations may be limited.

(2) Any regulation made under subsection 1 may limit the application of the Wartime Leasehold Regulations or any part thereof as to time or place or both.

Power to make regulations before Act in force.

6.—(1) In addition to the powers conferred by section 5, the Lieutenant-Governor in Council may make regulations in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations at any time after the passing of this Act and before this Act comes into force, and any regulation made under this subsection shall be deemed to have been made on the day this Act comes into force.

Effective date of regulations.

Rev. Stat., c. 337.

(2) Notwithstanding *The Regulations Act*, any regulation made under subsection 1 shall, when registered under that Act, come into force and have effect on and after the day this Act comes into force and shall be valid as against every person on and after that day.

Conflict of provisions.

7. Where there is a conflict between the provisions of this Act and any other law in force in Ontario, the provisions of this Act shall prevail.

Commencement.

8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as *The Leasehold Regulations Act, 1951*.

BILL

An Act to provide for the Regulation
of Leaseholds

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 133

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to provide for the Regulation of Leaseholds

MR. PORTER

★ *Journal of the American Medical Association*

★ *Journal of the American Medical Association*

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BILL

An Act to provide for the Regulation of Leaseholds

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, the expression "Wartime Leasehold Regulations" means, Wartime Leasehold Regulations defined.

(a) the Orders in Council affecting dwelling places in Ontario made from time to time by the Governor-General in Council; and

(b) the orders and regulations made from time to time pursuant to authority conferred by such Orders in Council,

that by virtue of *The War Measures Act* (Canada), *The National Emergency Transitional Powers Act, 1945* (Canada) and *The Continuation of Transitional Measures Act, 1947* (Canada) were in force immediately preceding the day on which such Orders in Council, orders and regulations ceased to be in force under the authority of the Parliament of Canada. R.S.C. c. 206: 1945, c. 25 (Can.); 1947, c. 16 (Can.).

2. The administration of this Act shall be under the control and direction of such minister as may be designated by the Lieutenant-Governor in Council. Administration of Act.

3. The Wartime Leasehold Regulations shall continue in force in Ontario as if they were enacted as part of this Act. Continuation of Wartime Leasehold Regulations.

4. Anything heretofore done under and in accordance with the Wartime Leasehold Regulations shall be deemed to have been done under and in accordance with this Act. Continuation of proceedings, etc.

5.—(1) In order that matters of rentals and tenure may be dealt with and adjusted in a fair and equitable manner to Powers of Lieutenant-Governor in Council.

all parties, the Lieutenant-Governor in Council may exercise any of the powers formerly exercisable by the Wartime Prices and Trade Board with respect to the Wartime Leasehold Regulations, and without limiting the generality of the foregoing the Lieutenant-Governor in Council may make regulations,

- (a) providing for the administration and enforcement of the Wartime Leasehold Regulations;
- (b) in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations.

Regulations may be limited.

(2) Any regulation made under subsection 1 may limit the application of the Wartime Leasehold Regulations or any part thereof as to time or place or both.

Power to make regulations before Act in force.

6.—(1) In addition to the powers conferred by section 5, the Lieutenant-Governor in Council may make regulations in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations at any time after the passing of this Act and before this Act comes into force, and any regulation made under this subsection shall be deemed to have been made on the day this Act comes into force.

Effective date of regulations.

Rev. Stat., c. 337.

(2) Notwithstanding *The Regulations Act*, any regulation made under subsection 1 shall, when registered under that Act, come into force and have effect on and after the day this Act comes into force and shall be valid as against every person on and after that day.

Conflict of provisions.

7. Where there is a conflict between the provisions of this Act and any other law in force in Ontario, the provisions of this Act shall prevail.

Commencement.

8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as *The Leasehold Regulations Act, 1951*.



An Act to provide for the Regulation
of Leaseholds

1st Reading

March 21st, 1951

2nd Reading

March 28th, 1951

3rd Reading

April 4th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Active Service Election Act, 1951

MR. PORTER

EXPLANATORY NOTE

The purpose of this bill is similar to that of its predecessors passed in 1942 and 1945.

The principles are similar to those of the 1945 Act.

BILL

The Active Service Election Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding *The Election Act, 1951* or any other Act, every active service voter as defined by the regulations under this Act shall be entitled to vote, either within or without Ontario, at a general election to the Assembly in the manner prescribed by such regulations.

(2) Every active service voter shall be permitted to vote for a candidate in the electoral district in which the active service voter was ordinarily resident for at least thirty days immediately preceding the day on which he became qualified as an active service voter, and his vote shall be counted for a candidate in such electoral district and in no other.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Chief Election Officer may make regulations for obtaining the votes of active service voters, including prisoners of war, and for carrying out the provisions of section 1 and for the efficient administration thereof, and may by such regulations,

- (a) define "active service voter" for the purposes of this Act and the regulations made under this Act;
- (b) prescribe the qualifications of active service voters;
- (d) provide for the establishment of voting territories within and without Ontario;
- (d) provide for the appointment of special returning officers, special deputy returning officers and such other officers as may be required, and define their duties;
- (e) prescribe the procedure for polling the votes and counting the ballots;

- (f) authorize the fixing of hours of polling;
- (g) prescribe the procedure to be followed in communicating the result of the voting in voting territories to the returning officers in the various electoral districts;
- (h) prescribe the forms to be used for the purposes of this Act; and
- (i) make such other regulations as he may deem necessary for the better carrying out of this Act.

Regulations
may alter
1951, c. ...

(2) The regulations made under this section may have the effect of altering any of the provisions of *The Election Act, 1951* to such extent as may be deemed expedient by the Chief Election Officer with the approval of the Lieutenant-Governor in Council for the purpose of carrying out the provisions of section 1.

Voting by
ballot.

3. Notwithstanding any of the other provisions of this Act, the regulations made under section 2 shall, except in the case of prisoners of war, provide for depositing the voting paper of an active service voter in a ballot box in the presence of such active service voter.

Cases of
emergency.

4. In cases of emergency the Chief Election Officer may give such directions as he may deem proper in order that the purpose of this Act may be accomplished and anything done in compliance with such directions shall not be open to question.

1945, c. 1,
repealed.

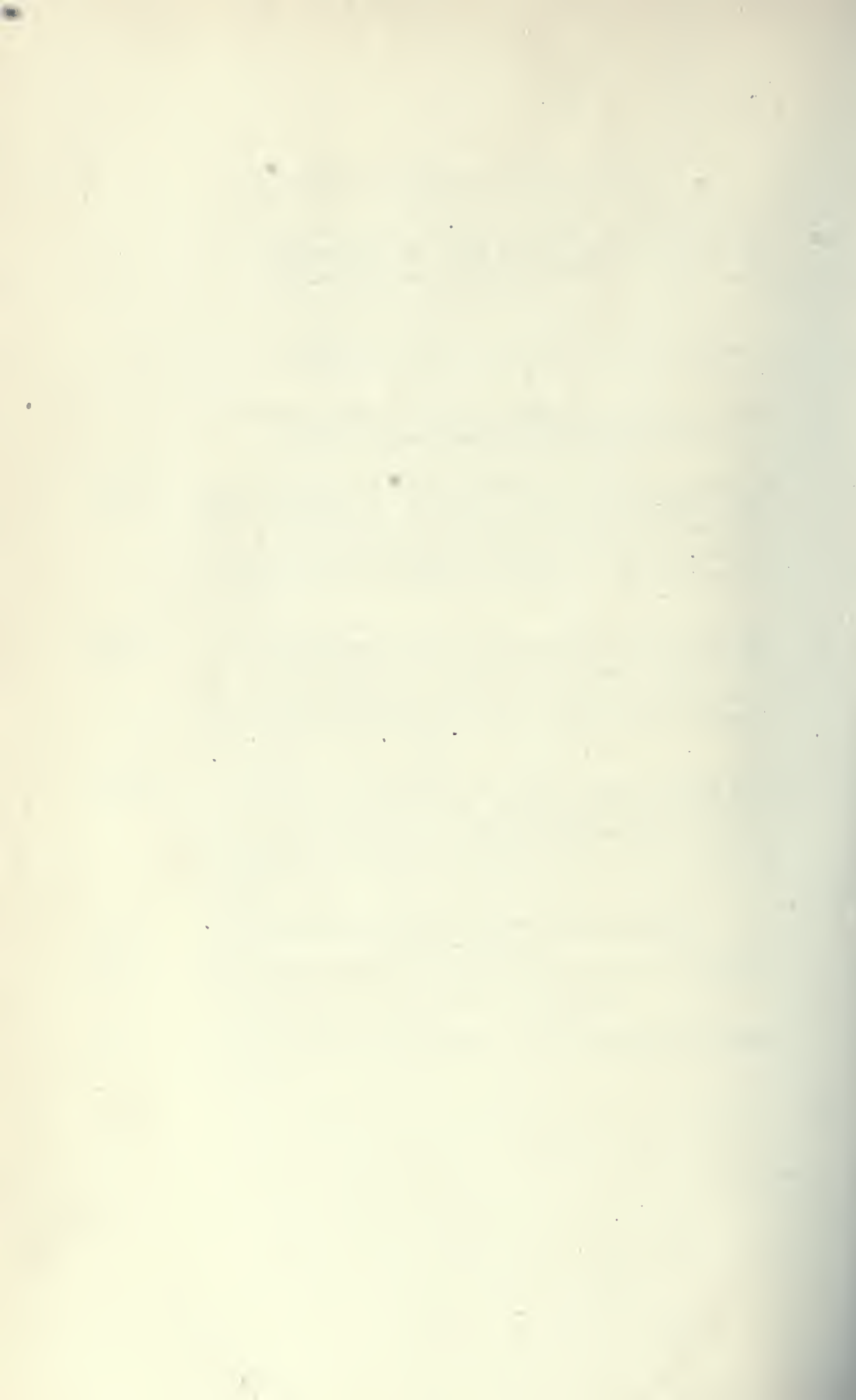
5. *The Active Service Election Act, 1945* is repealed.

Commence-
ment.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Active Service Election Act, 1951*.



BILL

The Active Service Election Act, 1951

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 134

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Active Service Election Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

The Active Service Election Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding *The Election Act, 1951* or any other Act, every active service voter as defined by the regulations under this Act shall be entitled to vote, either within or without Ontario, at a general election to the Assembly in the manner prescribed by such regulations.

(2) Every active service voter shall be permitted to vote for a candidate in the electoral district in which the active service voter was ordinarily resident for at least thirty days immediately preceding the day on which he became qualified as an active service voter, and his vote shall be counted for a candidate in such electoral district and in no other.

2.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Chief Election Officer may make regulations for obtaining the votes of active service voters, including prisoners of war, and for carrying out the provisions of section 1 and for the efficient administration thereof, and may by such regulations,

- (a) define "active service voter" for the purposes of this Act and the regulations made under this Act;
- (b) prescribe the qualifications of active service voters;
- (d) provide for the establishment of voting territories within and without Ontario;
- (d) provide for the appointment of special returning officers, special deputy returning officers and such other officers as may be required, and define their duties;
- (e) prescribe the procedure for polling the votes and counting the ballots;

- (f) authorize the fixing of hours of polling;
- (g) prescribe the procedure to be followed in communicating the result of the voting in voting territories to the returning officers in the various electoral districts;
- (h) prescribe the forms to be used for the purposes of this Act; and
- (i) make such other regulations as he may deem necessary for the better carrying out of this Act.

Regulations
may alter
1951, c. 21.

(2) The regulations made under this section may have the effect of altering any of the provisions of *The Election Act, 1951* to such extent as may be deemed expedient by the Chief Election Officer with the approval of the Lieutenant-Governor in Council for the purpose of carrying out the provisions of section 1.

Voting by
ballot.

3. Notwithstanding any of the other provisions of this Act, the regulations made under section 2 shall, except in the case of prisoners of war, provide for depositing the voting paper of an active service voter in a ballot box in the presence of such active service voter.

Cases of
emergency.

4. In cases of emergency the Chief Election Officer may give such directions as he may deem proper in order that the purpose of this Act may be accomplished and anything done in compliance with such directions shall not be open to question.

1945, c. 1,
repealed.

5. *The Active Service Election Act, 1945* is repealed.

Commence-
ment.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Active Service Election Act, 1951*.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST
IN WHICH ARE CONTAINED
THE MOST IMPORTANT AND INTERESTING
CIRCUMSTANCES OF HIS REIGN

FROM THE YEAR 1625 TO 1649

BY JOHN RICHARDSON

IN TWO VOLUMES

LONDON: PRINTED BY J. STURGEON, ST. MARTIN'S LANE, 1794

AND SOLD BY J. BARNES, ST. MARTIN'S LANE, 1794

AND BY J. BARNES, ST. MARTIN'S LANE, 1794

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AND BY J. BARNES, ST. MARTIN'S LANE, 1794

AND BY J. BARNES, ST. MARTIN'S LANE, 1794

The Active Service Election Act, 1951

1st Reading

March 21st, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

No. 135

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Escheats Act

MR. PORTER

EXPLANATORY NOTE

See the explanatory note to Bill No. 137, *An Act to amend The Mining Act.*

This bill is complementary.

BILL

An Act to amend The Escheats Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Escheats Act* is amended by adding thereto the following section: Rev. Stat.,
c. 116,
amended.

2a. Notwithstanding section 2, where mining lands as defined by *The Mining Act* have become forfeited to the Crown, such mining lands shall be dealt with and disposed of as Crown lands in the manner provided in *The Mining Act*. Saving as
mining
lands.
Rev. Stat.,
c. 236.

2. This Act may be cited as *The Escheats Amendment Act, 1951*. Short title.

BILL

An Act to amend The Escheats Act

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 135

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Escheats Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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No. 135

1951

BILL

An Act to amend The Escheats Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Escheats Act* is amended by adding thereto the following section: Rev. Stat.,
c. 116,
amended.

2a. Notwithstanding section 2, where mining lands as defined by *The Mining Act* have become forfeited to the Crown, such mining lands shall be dealt with and disposed of as Crown lands in the manner provided in *The Mining Act*. Saving as
mining
lands.
Rev. Stat.,
c. 236.

2. This Act may be cited as *The Escheats Amendment Act, 1951*. Short title.

An Act to amend The Escheats Act

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Law Society Act

MR. PORTER

EXPLANATORY NOTE

The purpose of this bill is to provide express statutory authority for the free legal aid programme of The Law Society of Upper Canada.

BILL

An Act to amend The Law Society Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act* is amended by adding thereto the following section: Rev. Stat.,
c. 200,
amended.

- 51a.—(1) The benchers may establish a plan to provide legal aid to persons in need thereof, to be called "The Ontario Legal Aid Plan" and for such purpose may make such regulations as are deemed appropriate. Legal Aid
Plan.
- (2) In order to assist in the operation of the Plan the benchers may create a fund, to be called "The Legal Aid Fund", which shall be made up of such moneys as the regulations may provide for, including moneys recovered as costs and such moneys as the Society may provide from its general funds. Legal Aid
Fund.
- (3) A person who is assisted under the Plan shall have the right to recover and collect lawful costs in actions and proceedings in the same manner as if he had been able to pay the costs of his solicitor and counsel, and where he has not paid anything for such assistance any moneys so received and collected as costs shall vest in the Society and be paid into the Fund. Costs.
- (4) Where moneys have been paid out of the Fund to a solicitor for the purpose of enabling him to make necessary disbursements in connection with services performed by him under the Plan and have been expended by him in the payment of Crown fees or charges and such moneys are not recoverable in any other manner, the Treasurer of Ontario may, on the certificate of the treasurer and secretary of the Society, remit such fees and charges to the Society. Remission
of Crown
fees.

2. This Act may be cited as *The Law Society Amendment Act, 1951*. Short title.

BILL

An Act to amend The Law Society Act

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

Mr. PORTER

No. 136

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Law Society Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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LIBRARY

BILL

An Act to amend The Law Society Act

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Plan.

(2) In order to assist in the operation of the Plan the benchers may create a fund, to be called "The Legal Aid Fund", which shall be made up of such moneys as the regulations may provide for, including moneys recovered as costs and such moneys as the Society may provide from its general funds. Legal Aid
Fund.

(3) A person who is assisted under the Plan shall have the right to recover and collect lawful costs in actions and proceedings in the same manner as if he had been able to pay the costs of his solicitor and counsel, and where he has not paid anything for such assistance any moneys so received and collected as costs shall vest in the Society and be paid into the Fund. Costs.

(4) Where moneys have been paid out of the Fund to a solicitor for the purpose of enabling him to make necessary disbursements in connection with services performed by him under the Plan and have been expended by him in the payment of Crown fees or charges and such moneys are not recoverable in any other manner, the Treasurer of Ontario may, on the certificate of the treasurer and secretary of the Society, remit such fees and charges to the Society. Remission
of Crown
fees.

2. This Act may be cited as *The Law Society Amendment Act, 1951*. Short title.

An Act to amend The Law Society Act

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. PORTER

No. 137

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Mining Act

MR. GEMMELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Where mining lands are forfeited to the Crown under *The Companies Act* it becomes the duty of the Public Trustee to deal with and dispose of them which is difficult to do owing to the uncertain and speculative values involved.

The effect of this bill will be that such lands will be dealt with in the same way as other mining lands that are forfeited to the Crown under *The Mining Act* and *The Mining Tax Act*, that is, they will become open for staking.

No. 137

1951

BILL

An Act to amend The Mining Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat.,
c. 236,
amended.

204. Where mining lands are forfeited to the Crown under *The Companies Act* the Minister may cause a certificate to be registered in the proper land titles or registry office stating that forfeiture has been effected under that Act and that by reason of such forfeiture the patent, lease or other title whereby such lands were granted has been cancelled and annulled, and upon the registering of the certificate such lands may be dealt with in the manner provided in this Act. Lands
forfeited
to Crown
under
Rev. Stat.,
c. 59.

2. This Act may be cited as *The Mining Amendment Act*, Short title.
1951.

BILL

An Act to amend The Mining Act

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. GEMMELL

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Mining Act

MR. GEMMELL

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LIBRARY

No. 137

1951

BILL

An Act to amend The Mining Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat.,
c. 236,
amended.

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forfeited
to Crown
under
Rev. Stat.,
c. 59.

2. This Act may be cited as *The Mining Amendment Act*, Short title. 1951.

An Act to amend The Mining Act

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. GEMMELL

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Community Centres Act

MR. KENNEDY

EXPLANATORY NOTE

Provision is made for the Minister of Agriculture to make grants in respect of swimming pools to municipalities and school boards.

BILL

An Act to amend The Community Centres Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Community Centres Act* Rev. Stat., c. 58, s. 1, cl. *a*, amended. is amended by inserting after the word "field" in the second line the words "indoor or outdoor swimming pool", so that the clause shall read as follows:

- (a) "community centre" means community hall, athletic field, indoor or outdoor swimming pool, skating arena or outdoor skating rink.

2.—(1) Subsection 1 of section 2 of *The Community Centres Act* Rev. Stat., c. 58, s. 2, subs. 1, amended. is amended by inserting after the word "hall" in the fifth line the words "indoor swimming pool" and by inserting after the word "field" in the fifth line the words "outdoor swimming pool", so that the subsection shall read as follows:

- (1) The Minister may grant aid to any municipality to assist in the establishment of a community centre, Grants to municipalities for community centres, etc. but no grant shall exceed \$5,000 nor 25 per cent of the cost of a building or that part of a building designed for a community hall, indoor swimming pool or skating arena or of the cost of an athletic field, outdoor swimming pool or outdoor skating rink.

(2) Subsection 3 of the said section 2 is amended by inserting after the word "and" in the second line the words "an indoor swimming pool or" and by inserting after the word "and" in the sixth line the words "indoor swimming pool or", Rev. Stat., c. 58, s. 2, subs. 3, amended. so that the subsection shall read as follows:

- (3) Notwithstanding subsection 1, where a building is designed to include both a community hall and an indoor swimming pool or a skating arena, the Minister Combined community hall, swimming pool and skating arena.

may make a grant not exceeding \$10,000 nor 25 per cent of the total cost of the building or that part of the building designed for the community hall and indoor swimming pool or skating arena.

Rev. Stat.,
c. 58, s. 8,
amended.

3. Section 8 of *The Community Centres Act* is amended by inserting after the word "area" in the third line the words "an outdoor swimming pool", by inserting after the word "fields" in the fifth line the word "pools" and by striking out the words "the rinks and athletic fields" in the ninth line and inserting in lieu thereof the words "such fields, pools and rinks", so that the section shall read as follows:

Grants to
school
boards.

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field of satisfactory area, an outdoor swimming pool or an outdoor skating rink, on the same terms as herein set forth, except that such fields, pools and rinks shall be managed and conducted by the school board or board of education under the regulations of the Department of Education, and such property shall be vested in the school board or board of education, provided always that such fields, pools and rinks shall be available for the purposes permitted by the regulations.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Community Centres Amendment Act, 1951*.



BILL

An Act to amend The Community
Centres Act

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Community Centres Act

MR. KENNEDY

BILL

of the Board of Directors of the

No. 138

1951

BILL

An Act to amend The Community Centres Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Community Centres Act* is amended by inserting after the word "field" in the second line the words "indoor or outdoor swimming pool", so that the clause shall read as follows: Rev. Stat., c. 58, s. 1, cl. a, amended.

- (a) "community centre" means community hall, athletic field, indoor or outdoor swimming pool, skating arena or outdoor skating rink.

2.—(1) Subsection 1 of section 2 of *The Community Centres Act* is amended by inserting after the word "hall" in the fifth line the words "indoor swimming pool" and by inserting after the word "field" in the fifth line the words "outdoor swimming pool", so that the subsection shall read as follows: Rev. Stat., c. 58, s. 2, subs. 1, amended.

- (1) The Minister may grant aid to any municipality to assist in the establishment of a community centre, but no grant shall exceed \$5,000 nor 25 per cent of the cost of a building or that part of a building designed for a community hall, indoor swimming pool or skating arena or of the cost of an athletic field, outdoor swimming pool or outdoor skating rink. Grants to municipalities for community centres, etc.

(2) Subsection 3 of the said section 2 is amended by inserting after the word "and" in the second line the words "an indoor swimming pool or" and by inserting after the word "and" in the fifth line the words "indoor swimming pool or", so that the subsection shall read as follows: Rev. Stat., c. 58, s. 2, subs. 3, amended.

- (3) Notwithstanding subsection 1, where a building is designed to include both a community hall and an indoor swimming pool or a skating arena, the Minister Combined community hall, swimming pool and skating arena.

may make a grant not exceeding \$10,000 nor 25 per cent of the total cost of the building or that part of the building designed for the community hall and indoor swimming pool or skating arena.

Rev. Stat.,
c. 58, s. 8,
amended.

3. Section 8 of *The Community Centres Act* is amended by inserting after the word "area" in the third line the words "an outdoor swimming pool", by inserting after the word "fields" in the fifth line the word "pools" and by striking out the words "the rinks and athletic fields" in the ninth line and inserting in lieu thereof the words "such fields, pools and rinks", so that the section shall read as follows:

Grants to
school
boards.

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field of satisfactory area, an outdoor swimming pool or an outdoor skating rink, on the same terms as herein set forth, except that such fields, pools and rinks shall be managed and conducted by the school board or board of education under the regulations of the Department of Education, and such property shall be vested in the school board or board of education, provided always that such fields, pools and rinks shall be available for the purposes permitted by the regulations.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Community Centres Amendment Act, 1951*.



BILL

An Act to amend The Community
Centres Act

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. KENNEDY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting the Registration of Nurses

MR. PHILLIPS

EXPLANATORY NOTES

Under this proposed new Act the powers and duties with respect to the training and registration of nurses now exercised by the Department of Health are transferred to the Registered Nurses' Association of Ontario. The exercise of these powers and duties is at all times subject to the approval of the Lieutenant-Governor in Council.

Provision is also made for an appeal in the case of a person who is refused registration or renewal of registration as a nurse or whose registration as a nurse is suspended or cancelled.

Nothing in the bill interferes with the present rights of so-called "practical nurses".

The Act is to come into force on Proclamation which it is proposed will occur as soon as the Association is in a position to assume its new duties and the necessary regulations have been prepared.

No. 139

1951

BILL

An Act respecting the Registration of Nurses

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "Board" means Board of Directors of the Registered Nurses' Association of Ontario, a corporation without share capital incorporated by letters patent under *The Companies Act* on the 4th day of December, 1925, and includes a duly authorized committee of the Board;

Rev. Stat..
c. 59.

- (b) "Minister" means Minister of Health;

- (c) "registered nurse" means a person registered as such under this Act. R.S.O. 1950, c. 256, s. 1, *amended*.

2. The Minister shall be a member *ex officio* of the Board.

New.

Minister
member of
Board.

3. The Board, subject to the approval of the Lieutenant-Governor in Council, may make regulations,

Additional
powers of
Board.

- (a) prescribing the requirements for admission to schools of nursing and the courses of instruction therein;
- (b) providing for the holding of examinations for nurses who are in attendance at or graduates of schools of nursing;
- (c) governing the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension, cancellation and renewal of certificates of registration of nurses;

- (d) prescribing the fees for examinations, registration and renewal of registration of nurses. R.S.O. 1950, c. 256, s. 7, cls. (b-d), *amended*.

Registration of nurses.

4. The Board shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a registered nurse. R.S.O. 1950, c. 256, s. 3, *part, amended*.

Appeal.

5.—(1) If the Board refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as may be warranted by the facts.

Effect of order.

(2) Every such order shall be final and conclusive and shall be acted upon forthwith by the Board. *New*.

Offence and penalty.

6. Every person, not being registered as a nurse under this Act, who uses the title "Registered Nurse" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nurse under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (1, 3), *amended*.

Commencement.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

8. This Act may be cited as *The Nurses Registration Act, 1951*.



BILL

An Act respecting the Registration
of Nurses

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting the Registration of Nurses

MR. PHILLIPS

No. 139

1951

BILL

An Act respecting the Registration of Nurses

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "Board" means Board of Directors of the Registered Nurses' Association of Ontario, a corporation without share capital incorporated by letters patent under *The Companies Act* on the 4th day of December, 1925, and includes a duly authorized committee of the Board; Rev. Stat.,
c. 59.

- (b) "Minister" means Minister of Health;

- (c) "registered nurse" means a person registered as such under this Act. R.S.O. 1950, c. 256, s. 1, *amended*.

- 2.** The Minister shall be a member *ex officio* of the Board. Minister
member of
Board.
New.

- 3.** The Board, subject to the approval of the Lieutenant-Governor in Council, may make regulations, Additional
powers of
Board.

- (a) prescribing the requirements for admission to schools of nursing and the courses of instruction therein;
- (b) providing for the holding of examinations for nurses who are in attendance at or graduates of schools of nursing;
- (c) governing the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension, cancellation and renewal of certificates of registration of nurses;

- (d) prescribing the fees for examinations, registration and renewal of registration of nurses. R.S.O. 1950, c. 256, s. 7, cls. (b-d), *amended*.

Registration of nurses.

4. The Board shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a registered nurse. R.S.O. 1950, c. 256, s. 3, *part, amended*.

Appeal.

5.—(1) If the Board refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as may be warranted by the facts.

Effect of order.

(2) Every such order shall be final and conclusive and shall be acted upon forthwith by the Board. *New*.

Offence and penalty.

6. Every person, not being registered as a nurse under this Act, who uses the title "Registered Nurse" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nurse under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (1, 3), *amended*.

Commencement.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

8. This Act may be cited as *The Nurses Registration Act, 1951*.



BILL

An Act respecting the Registration of Nurses

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. PHILLIPS

No. 140

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Nursing

MR. PHILLIPS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

This proposed new Act will take the place of *The Nurses Act*.

It is complementary to Bill No. 139, *An Act respecting the Registration of Nurses*.

It contains no new principles. It re-enacts the present provisions under which the Department of Health controls schools of nursing and training and registration of nursing assistants.

BILL

An Act respecting Nursing

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "certified nursing assistant" means a person who is registered as a certified nursing assistant under this Act;
- (b) "Director" means Director of Nursing;
- (c) "Minister" means Minister of Health;
- (d) "regulations" means regulations made under this Act. R.S.O. 1950, c. 256, s. 1, cls. (a-c, f), *amended*.

2. There shall be a Director of Nursing who shall be appointed by the Lieutenant-Governor in Council and who shall exercise such powers and perform such duties as may be conferred or imposed by this Act, the regulations or the Minister. R.S.O. 1950, c. 256, s. 2, *amended*.

3.—(1) A school of nursing or a training course for nursing assistants may be established, maintained and conducted in any hospital, sanatorium, sanitarium or university. R.S.O. 1950, c. 256, s. 4 (1), *amended*.

(2) Every person who establishes, maintains or conducts a school of nursing or a training course for nursing assistants, or trains or instructs, or holds himself out as being able or willing to train or instruct persons to become nurses or nursing assistants contrary to this Act or the regulations, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 256, s. 4, *part, amended*.

Regulations. **4.** The Lieutenant-Governor in Council may make regulations respecting the establishment, maintenance and conducting of schools of nursing and training courses for nursing assistants and providing for the inspection thereof. R.S.O. 1950, c. 256, s. 7, cls. (a, f).

Idem. **5.** The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the requirements for admission to training courses for nursing assistants;
- (b) providing for the holding of examinations for nursing assistants who are in attendance at or graduates of training courses for nursing assistants;
- (c) governing the registration of graduates of training courses for nursing assistants located within or without Ontario and the issue, suspension, cancellation and renewal of certificates of registration of nursing assistants;
- (d) prescribing the fees for examinations, registration and renewal of registration of nursing assistants. R.S.O. 1950, c. 256, s. 7, cls. (b, d), *part, amended*.

Registration of nursing assistants. **6.** The Director shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a certified nursing assistant. R.S.O. 1950, c. 256, s. 3, *part, amended*.

Offence and penalty. **7.** Every person, not being registered as a nursing assistant under this Act, who uses the title "Certified Nursing Assistant" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nursing assistant under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (2, 3), *amended*.

Council of Nursing. **8.** The Lieutenant-Governor in Council may make regulations providing for the establishment of a council to be known as the "Council of Nursing" and prescribing its powers and duties. R.S.O. 1950, c. 256, s. 7, cl. (g), *amended*.

Rev. Stat., c. 256, repealed. **9.** *The Nurses Act* is repealed.

Commencement. **10.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **11.** This Act may be cited as *The Nursing Act, 1951*.



BILL

An Act respecting Nursing

1st Reading

March 21st, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Nursing

MR. PHILLIPS

THE UNIVERSITY OF CHICAGO
LIBRARY

BILL

1911

1911

1911

No. 140

1951

BILL

An Act respecting Nursing

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion.

- (a) "certified nursing assistant" means a person who is registered as a certified nursing assistant under this Act;
- (b) "Director" means Director of Nursing;
- (c) "Minister" means Minister of Health;
- (d) "regulations" means regulations made under this Act. R.S.O. 1950, c. 256, s. 1, cls. (a-c, f), *amended*.

2. There shall be a Director of Nursing who shall be appointed by the Lieutenant-Governor in Council and who shall exercise such powers and perform such duties as may be conferred or imposed by this Act, the regulations or the Minister. R.S.O. 1950, c. 256, s. 2, *amended*.

3.—(1) A school of nursing or a training course for nursing assistants may be established, maintained and conducted in any hospital, sanatorium, sanitarium or university. R.S.O. 1950, c. 256, s. 4 (1), *amended*.

(2) Every person who establishes, maintains or conducts a school of nursing or a training course for nursing assistants, or trains or instructs, or holds himself out as being able or willing to train or instruct persons to become nurses or nursing assistants contrary to this Act or the regulations, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 256, s. 4, *part, amended*.

Regulations. 4. The Lieutenant-Governor in Council may make regulations respecting the establishment, maintenance and conducting of schools of nursing and training courses for nursing assistants and providing for the inspection thereof. R.S.O. 1950, c. 256, s. 7, cls. (a, f).

Idem. 5. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the requirements for admission to training courses for nursing assistants;
- (b) providing for the holding of examinations for nursing assistants who are in attendance at or graduates of training courses for nursing assistants;
- (c) governing the registration of graduates of training courses for nursing assistants located within or without Ontario and the issue, suspension, cancellation and renewal of certificates of registration of nursing assistants;
- (d) prescribing the fees for examinations, registration and renewal of registration of nursing assistants. R.S.O. 1950, c. 256, s. 7, cls. (b,-d), *part, amended.*

Registration of nursing assistants.

6. The Director shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a certified nursing assistant. R.S.O. 1950, c. 256, s. 3, *part, amended.*

Offence and penalty.

7. Every person, not being registered as a nursing assistant under this Act, who uses the title "Certified Nursing Assistant" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nursing assistant under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (2, 3), *amended.*

Council of Nursing.

8. The Lieutenant-Governor in Council may make regulations providing for the establishment of a council to be known as the "Council of Nursing" and prescribing its powers and duties. R.S.O. 1950, c. 256, s. 7, cl. (g), *amended.*

Rev. Stat., c. 256, repealed.

9. *The Nurses Act* is repealed.

Commencement.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Nursing Act, 1951.*



BILL

An Act respecting Nursing

1st Reading

March 21st, 1951

2nd Reading

March 27th, 1951

3rd Reading

March 30th, 1951

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Niagara Parks Act

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The composition of the Commission is altered in the manner provided.

BILL

An Act to amend The Niagara Parks Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Niagara Parks Act* Rev. Stat., c. 253, s. 2, subs. 2, re-enacted. is repealed and the following substituted therefor:

(2) The Commission shall be composed of not more than eleven members appointed by the Lieutenant-Governor in Council, three of whom shall be appointed annually as follows: one the member of the council of the county of Welland who is designated by that council, one the member of the council of the county of Lincoln who is designated by that council and the third the member of the council of the city of Niagara Falls who is designated by that council. Composition.

(2) Subsection 4 of the said section 2 is amended by adding at the end thereof the words "but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council", so that the subsection shall read as follows: Rev. Stat., c. 253, s. 2, subs. 4, amended.

(4) Vacancies in the membership of the Commission Vacancies. may be filled by the Lieutenant-Governor in Council but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Niagara Parks Amendment Act, 1951*. Short title.

BILL

An Act to amend The Niagara Parks Act

1st Reading

March 27th, 1951

2nd Reading

3rd Reading

MR. DALEY

No. 141

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Niagara Parks Act

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Niagara Parks Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Niagara Parks Act* is repealed and the following substituted therefor: Rev. Stat., c. 253, s. 2, subs. 2, re-enacted.

(2) The Commission shall be composed of not more than eleven members appointed by the Lieutenant-Governor in Council, three of whom shall be appointed annually as follows: one the member of the council of the county of Welland who is designated by that council, one the member of the council of the county of Lincoln who is designated by that council and the third the member of the council of the city of Niagara Falls who is designated by that council. Composition.

(2) Subsection 4 of the said section 2 is amended by adding at the end thereof the words "but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council", so that the subsection shall read as follows: Rev. Stat., c. 253, s. 2, subs. 4, amended.

(4) Vacancies in the membership of the Commission may be filled by the Lieutenant-Governor in Council but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council. Vacancies.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Niagara Parks Amendment Act, 1951*. Short title.

BILL

An Act to amend The Niagara Parks Act

1st Reading

March 27th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 4th, 1951

MR. DALEY

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Registry Act

MR. PORTER

EXPLANATORY NOTES

SECTIONS 1 and 3. These amendments are self-explanatory.

SECTION 2. The amendment corrects a typographical error.

BILL

An Act to amend The Registry Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat., c. 336, s. 32, re-enacted.
32. For the purpose of accommodating a system of recording instruments by means of photographic duplicates, the Inspector of Legal Offices may, by regulation, designate any registry division as an area to which this section applies, and after the effective date of such designation no instrument, other than a plan of survey, executed after that date shall be registered if its dimensions are greater than 8½ inches by 14 inches. Photo-graphic reproduction of instruments.
2. Subsection 1 of section 33 of *The Registry Act* is amended by striking out the word "or" in the first line and inserting in lieu thereof the word "of". Rev. Stat., c. 336, s. 33, subs. 1, amended.
3. Section 108 of *The Registry Act* is amended by striking out the symbol and figures "\$1,800" where they occur in the seventh and tenth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows: Rev. Stat., c. 336, s. 108, amended.
108. Where it appears by return to the Lieutenant-Governor or to any department of the Government that in any year a registrar of deeds or an officer holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which is less than \$3,200, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to \$3,200, if the Lieutenant-Governor in Council so directs. Additional grant in certain cases.
4. This Act may be cited as *The Registry Amendment Act*, Short title.

BILL

An Act to amend The Registry Act

1st Reading

March 27th, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 142

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Registry Act

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 142

1951

BILL

An Act to amend The Registry Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 336, s. 32,
re-enacted.
32. For the purpose of accommodating a system of photographic recording instruments by means of photographic duplicates, the Inspector of Legal Offices may, by regulation, designate any registry division as an area to which this section applies, and after the effective date of such designation no instrument, other than a plan of survey, executed after that date shall be registered if its dimensions are greater than 8½ inches by 14 inches. Photo-graphic reproduction of instruments.
2. Subsection 1 of section 33 of *The Registry Act* is amended by striking out the word "or" in the first line and inserting in lieu thereof the word "of". Rev. Stat.,
c. 336, s. 33,
subs. 1,
amended.
3. Section 108 of *The Registry Act* is amended by striking out the symbol and figures "\$1,800" where they occur in the seventh and tenth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows: Rev. Stat.,
c. 336, s. 108,
amended.
108. Where it appears by return to the Lieutenant-Governor or to any department of the Government that in any year a registrar of deeds or an officer holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which is less than \$3,200, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to \$3,200, if the Lieutenant-Governor in Council so directs. Additional grant in certain cases.
4. This Act may be cited as *The Registry Amendment Act*, Short title. 1951.

BILL

An Act to amend The Registry Act

1st Reading

March 27th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

MR. PHILLIPS

EXPLANATORY NOTE

SECTION 1. Self-explanatory.

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Alcoholism Research Foundation Act*, 1949, c. 4, s. 7, is repealed and the following substituted therefor: ^{1949, c. 4, s. 7, re-enacted.}

7. The objects of the Foundation shall be and it shall ^{Objects and powers.} have power,

(a) to conduct and promote a programme of research in alcoholism; and

(b) to conduct, direct and promote programmes for,

(i) the treatment of alcoholics,

(ii) the rehabilitation of alcoholics, and

(iii) experimentation in methods of treating and rehabilitating alcoholics.

7a.—(1) For the furtherance of its objects, the Founda- ^{Powers.} tion may,

(a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics; and

(b) enter into agreements,

(i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics, and

- (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics.

Grants to
institutions.

- (2) The Foundation may make grants to the institutions referred to in clause *b* of subsection 1 for the purposes of carrying out such care, treatment and experimentation.

1949,
c. 4, s. 15,
amended.

- 2.** Section 15 of *The Alcoholism Research Foundation Act, 1949* is amended by striking out the words "and *The Hospitals Aid Act, 1948*" in the first and second lines and by striking out the words "under *The Hospitals Aid Act, 1948*" in the sixth line, so that the section shall read as follows:

Grants
in aid.

Rev. Stat.,
c. 307.

15. Notwithstanding *The Public Hospitals Act*, the Lieutenant-Governor in Council may designate any hospital established under this Act as a hospital within the meaning of *The Public Hospitals Act* and a hospital so designated shall be eligible to receive grants in accordance with the regulations under that Act.

1949, c. 4,
amended.

- 3.** *The Alcoholism Research Foundation Act, 1949* is amended by adding thereto the following section:

Application
of Rev. Stat.,
c. 307, s. 11.

- 15a. The provisions of section 11 of *The Public Hospitals Act* shall not apply to a hospital designated under section 15.

Commence-
ment.

- 4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 5.** This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1951*.

SECTION 2. *The Hospitals Aid Act, 1948* was repealed in 1950. Accordingly, reference to that Act is deleted.

SECTION 3. Section 11 of *The Public Hospitals Act* provides for the admission and treatment of persons who from sickness, disease or injury or otherwise are in need of treatment, but since hospitals established under this Act are designed for a special purpose, the new section provides that section 11 will not apply to such hospitals.

BILL

An Act to amend The Alcoholism
Research Foundation Act, 1949

1st Reading

March 27th, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

MR. PHILLIPS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 143

1951

BILL

An Act to amend The Alcoholism Research Foundation Act, 1949

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Alcoholism Research Foundation Act*, 1949, c. 4, s. 7, 1949. is repealed and the following substituted therefor: re-enacted.

7. The objects of the Foundation shall be and it shall ^{Objects and powers.} have power,

(a) to conduct and promote a programme of research in alcoholism; and

(b) to conduct, direct and promote programmes for,

(i) the treatment of alcoholics,

(ii) the rehabilitation of alcoholics, and

(iii) experimentation in methods of treating and rehabilitating alcoholics.

7a.—(1) For the furtherance of its objects, the Founda- ^{Powers.} tion may,

(a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics; and

(b) enter into agreements,

(i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics, and

- (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics.

Grants to
institutions.

- (2) The Foundation may make grants to the institutions referred to in clause *b* of subsection 1 for the purposes of carrying out such care, treatment and experimentation.

1949,
c. 4, s. 15,
amended.

2. Section 15 of *The Alcoholism Research Foundation Act, 1949* is amended by striking out the words "and *The Hospitals Aid Act, 1948*" in the first and second lines and by striking out the words "under *The Hospitals Aid Act, 1948*" in the sixth line, so that the section shall read as follows:

Grants
in aid.

Rev. Stat.,
c. 307.

15. Notwithstanding *The Public Hospitals Act*, the Lieutenant-Governor in Council may designate any hospital established under this Act as a hospital within the meaning of *The Public Hospitals Act* and a hospital so designated shall be eligible to receive grants in accordance with the regulations under that Act.

1949, c. 4,
amended.

3. *The Alcoholism Research Foundation Act, 1949* is amended by adding thereto the following section:

Application
of Rev. Stat.,
c. 307, s. 11.

- 15a. The provisions of section 11 of *The Public Hospitals Act* shall not apply to a hospital designated under section 15.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1951*.

BILL

An Act to amend The Alcoholism
Research Foundation Act, 1949

1st Reading

March 27th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Health Act

MR. PHILLIPS

EXPLANATORY NOTES

SECTIONS 1 and 2. These new provisions will authorize the Government to make grants for the maintenance of isolation hospitals operated by municipalities.

SECTION 3. The provision repealed (which authorizes certain classes of municipalities to pass by-laws for regulating the operation of barber shops and hairdressing establishments and for licensing the owners, etc.) is being transferred to *The Municipal Act* in broader terms. See section 22 (2) of Bill No. 127.

No. 144

1951

BILL

An Act to amend The Public Health Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 306, s. 5,
amended.

(2r) providing for the payment of grants for the maintenance of isolation hospitals, the methods of determining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom. Grants for
maintenance
of isolation
hospitals.

2. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat.,
c. 306,
amended.

47a. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose and subject to the regulations, pay grants to municipalities toward the cost of maintenance of the isolation hospitals referred to in section 43. Maintenance
grants for
isolation
hospitals.

3. Section 98 of *The Public Health Act* is repealed. Rev. Stat.,
c. 306, s. 98,
repealed.

4. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment.

5. This Act may be cited as *The Public Health Amendment Act, 1951.* Short title.

BILL

An Act to amend The Public Health Act

1st Reading

March 27th, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

No. 144

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Public Health Act

MR. PHILLIPS

No. 144

1951

BILL

An Act to amend The Public Health Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat., c. 306, s. 5, amended.

(2r) providing for the payment of grants for the maintenance of isolation hospitals, the methods of determining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom. Grants for maintenance of isolation hospitals.

2. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat., c. 306, amended.

47a. The Minister may, out of such moneys as may be appropriated by the Legislature for the purpose and subject to the regulations, pay grants to municipalities toward the cost of maintenance of the isolation hospitals referred to in section 43. Maintenance grants for isolation hospitals.

3. Section 98 of *The Public Health Act* is repealed. Rev. Stat., c. 306, s. 98, repealed.

4. This Act shall come into force on the day it receives the Royal Assent. Commencement.

5. This Act may be cited as *The Public Health Amendment Act, 1951*. Short title.

BILL

An Act to amend The Public Health Act

1st Reading

March 27th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Beds of Navigable Waters Act

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Act was passed originally in 1911. In 1940 certain amendments were made that were designed to strengthen the Act. That intention has not been realized.

The bill repeals the 1940 amendments and re-enacts the original basic section of the Act. The section as re-enacted provides a definite result wherever the section operates whereas the original section created a presumption. The section as re-enacted also covers a new case, namely, where a navigable body of water or stream flows through a parcel of land.

These changes are designed to remove the uncertainties that have existed to date as to the ownership of the beds of navigable waters.

Section 1 (passed in 1940) and section 2 (subsection 1 passed in 1911; subsections 2 and 3 passed in 1940) of the present Act read as follows:

1. In this Act,

- (a) "bed" used in relation to a navigable body of water includes all land and land under water lying below the high water mark;
- (b) "high water mark" means the level at which the water in a navigable body of water has been held for a period sufficient to leave a watermark along the bank of such navigable body of water.

2.—(1) Where land bordering on a navigable body of water or stream has been heretofore, or shall hereafter, be granted by the Crown, it shall be presumed, in the absence of an express grant of it, that the bed of such body of water or stream was not intended to pass to the grantee of the land, and the grant shall be construed accordingly and not in accordance with the rules of the English Common Law.

(2) Where in any patent, conveyance or deed from the Crown made either heretofore or hereafter, the boundary of any land is described as a navigable body of water or the edge, bank, beach, shore, shoreline or high water mark thereof or in any other manner with relation thereto, such boundary shall be deemed always to have been the high water mark of such navigable body of water.

(3) The Minister of Lands and Forests may, upon the recommendation of the Surveyor-General for Ontario, fix the high water mark of any navigable body of water or any part thereof, and his decision shall be final and conclusive.

BILL

An Act to amend The Beds of Navigable Waters Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Beds of Navigable Waters Act* is repealed. Rev. Stat., c. 34, s. 1, repealed.
2. Section 2 of *The Beds of Navigable Waters Act* is repealed and the following substituted therefor: Rev. Stat., c. 34, s. 2, re-enacted.
 2. Where land that borders on a navigable body of water or stream, or on which the whole or a part of a navigable body of water or stream is situate or through which a navigable body of water or stream flows, has been heretofore or is hereafter granted by the Crown, it shall be deemed, in the absence of an express grant of it, that the bed of such body of water was not intended to pass and did not pass to the grantee. Grant to be deemed to exclude the bed.
3. This Act may be cited as *The Beds of Navigable Waters Amendment Act, 1951*. Short title.

BILL

An Act to amend The Beds of
Navigable Waters Act

1st Reading

March 27th, 1951

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

No. 145

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Beds of Navigable Waters Act

MR. SCOTT (Peterborough)

No. 145

1951

BILL

An Act to amend The Beds of Navigable Waters Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Beds of Navigable Waters Act* is repealed. Rev. Stat., c. 34, s. 1, repealed.
2. Section 2 of *The Beds of Navigable Waters Act* is repealed and the following substituted therefor: Rev. Stat., c. 34, s. 2, re-enacted.
 2. Where land that borders on a navigable body of water or stream, or on which the whole or a part of a navigable body of water or stream is situate or through which a navigable body of water or stream flows, has been heretofore or is hereafter granted by the Crown, it shall be deemed, in the absence of an express grant of it, that the bed of such body of water was not intended to pass and did not pass to the grantee. Grant to be deemed to exclude the bed.
3. This Act may be cited as *The Beds of Navigable Waters Amendment Act, 1951*. Short title.

BILL

An Act to amend The Beds of
Navigable Waters Act

1st Reading

March 27th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 5th, 1951

MR. SCOTT (Peterborough)

No. 146

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Rural Telephone Systems

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Clause *b* of section 1 of *The Telephone Act* reads as follows:

- (*b*) "company" includes an incorporated company, municipal corporation, commission, association, partnership, individual or aggregation of individuals owning, controlling or operating, or who may propose to own, control or operate a telephone system or line within Ontario.

The Bell Telephone Company of Canada is not included. It is within the jurisdiction of the Parliament of Canada because its works and undertakings extend beyond the limits of the Province.

Approximately 500 systems with more than 175,000 telephones are within the jurisdiction of the Province and are within the scope of this bill.

SECTIONS 2, 3, 4 and 5. Self-explanatory.

BILL

An Act respecting Rural Telephone Systems

WHEREAS it is in the public interest that the telephone systems serving the inhabitants of the rural parts of Ontario be improved, extended and co-ordinated; and whereas it is deemed expedient to charge the Commission with the duty of promoting these objects in the manner hereinafter provided;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Commission" means The Hydro-Electric Power Commission of Ontario;

(b) "company" has the same meaning as in *The Telephone Act*.

Rev. Stat.,
c. 387.

2.—(1) The Commission shall,

Duties and
powers of
Commission.

(a) inquire into and survey the ways and means by which the objects of this Act may be promoted;

(b) furnish such information and advice as may be helpful in promoting the objects of this Act;

(c) co-operate with and assist the companies in promoting the objects of this Act and for such purpose may make the services of its engineers, technicians and workmen available to the companies or any of them and may purchase for and sell to the companies or any of them such materials and equipment as may be requested;

(d) do whatever else is necessary in its opinion to promote the objects of this Act.

(2) The Commission, with the approval of the Lieutenant-Governor in Council, may require the Department of Lands

Assistance.

and Forests, the Ontario Northland Transportation Commission or any other department, branch, board, commission or agency of the Crown in right of Ontario to collaborate with and assist it in carrying out its duties under this Act.

Payment to
Commission.

3. The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to pay to the Commission out of the Consolidated Revenue Fund such moneys as the Commission may require in the performance of its duties or in the exercise of its powers under this Act.

The Ontario
Telephone
Account.

4. The Commission shall open an account to be styled "The Ontario Telephone Account" into which shall be paid all moneys paid to the Commission by the Treasurer of Ontario under section 3 and to which shall be charged the costs and expenses of the Commission incurred under this Act, including charges to compensate the Commission for the services of its officers and other employees rendered under this Act and including the portion of the total administrative expenses of the Commission that have been incurred by reason of this Act.

Commission
not to
spend unless
money on
hand.

5. The Commission shall not spend or lend any money or incur any obligation for the purposes of this Act unless it has in hand the money therefor after providing for costs and expenses referred to in section 4.

Rev. Stat.,
c. 281, ss. 11,
12 not to
apply.

6. Sections 11 and 12 of *The Power Commission Act* shall not apply to the receipts and expenditures of the Commission under this Act.

Annual
estimate and
statement.

7. On or before the 1st day of November in each year the Commission shall furnish the Lieutenant-Governor in Council with an estimate of the moneys required under section 3 during the next ensuing fiscal year of the Commission and a statement of The Ontario Telephone Account for the next preceding fiscal year of the Commission.

Commence-
ment.

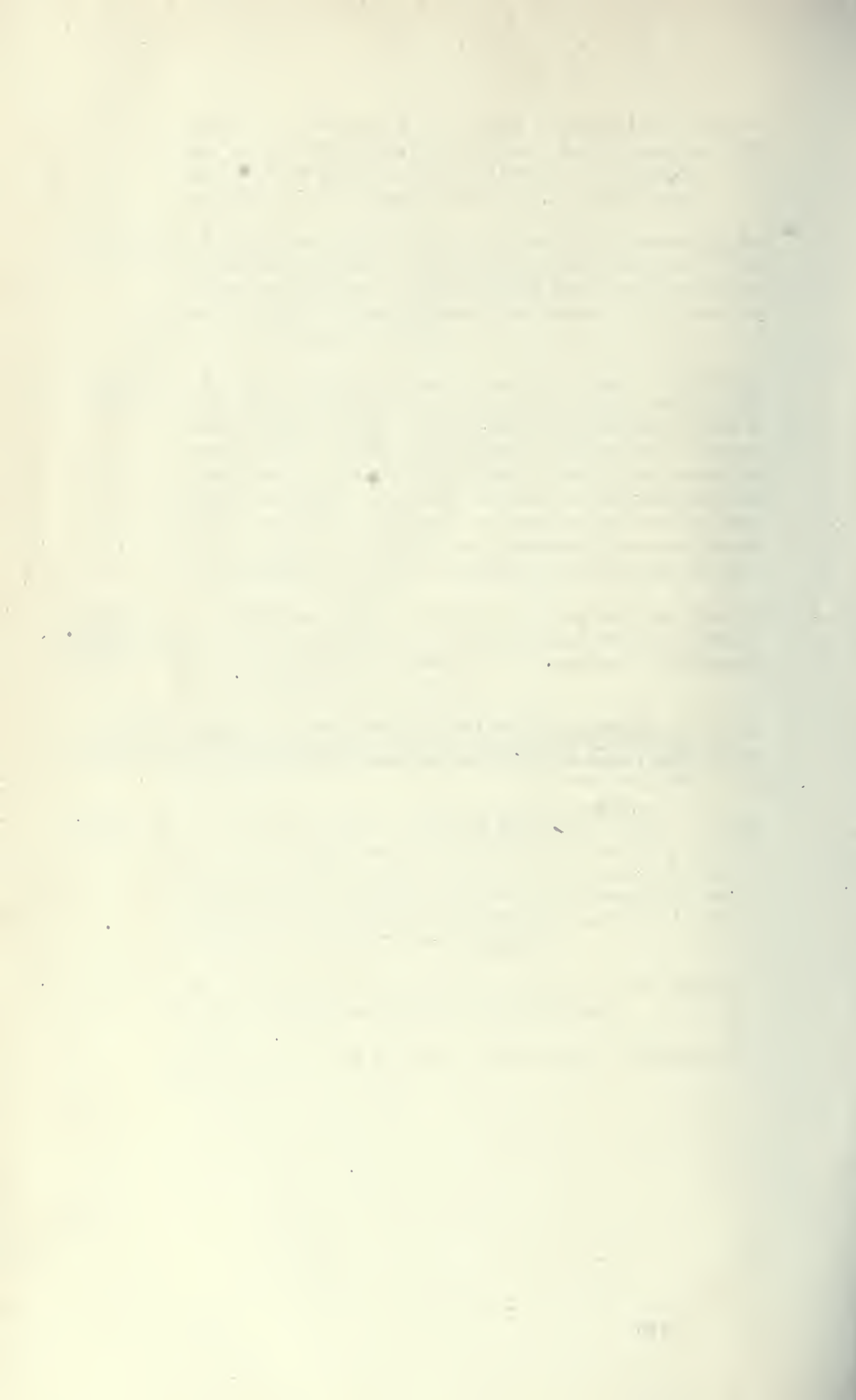
8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as *The Rural Telephone Act, 1951*.

SECTION 6. Section 11 of *The Power Commission Act* sets out how the income of the Commission is to be applied. Section 12 of that Act establishes the general fund of the Commission and sets out what may be paid into it and out of it.

SECTION 7. Self-explanatory.



BILL
An Act respecting Rural Telephone
Systems

1st Reading
March 28th, 1951

2nd Reading

3rd Reading

MR. CHALLIES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Rural Telephone Systems

MR. CHALLIES

THE UNIVERSITY OF CHICAGO
LIBRARY

1378

THE UNIVERSITY OF CHICAGO
LIBRARY

No. 146

1951

BILL

An Act respecting Rural Telephone Systems

WHEREAS it is in the public interest that the telephone Preamble.
systems serving the inhabitants of the rural parts of
Ontario be improved, extended and co-ordinated; and whereas
it is deemed expedient to charge the Commission with the
duty of promoting these objects in the manner hereinafter
provided;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "Commission" means The Hydro-Electric Power
Commission of Ontario;

(b) "company" has the same meaning as in *The Tele-* Rev. Stat.,
c. 387.
phone Act.

2.—(1) The Commission shall,

Duties and
powers of
Commission.

(a) inquire into and survey the ways and means by
which the objects of this Act may be promoted;

(b) furnish such information and advice as may be
helpful in promoting the objects of this Act;

(c) co-operate with and assist the companies in pro-
moting the objects of this Act and for such purpose
may make the services of its engineers, technicians
and workmen available to the companies or any of
them and may purchase for and sell to the companies
or any of them such materials and equipment as
may be requested;

(d) do whatever else is necessary in its opinion to pro-
mote the objects of this Act.

(2) The Commission, with the approval of the Lieutenant- Assistance.
Governor in Council, may require the Department of Lands

and Forests, the Ontario Northland Transportation Commission or any other department, branch, board, commission or agency of the Crown in right of Ontario to collaborate with and assist it in carrying out its duties under this Act.

Payment to
Commission.

3. The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to pay to the Commission out of the Consolidated Revenue Fund such moneys as the Commission may require in the performance of its duties or in the exercise of its powers under this Act.

The Ontario
Telephone
Account.

4. The Commission shall open an account to be styled "The Ontario Telephone Account" into which shall be paid all moneys paid to the Commission by the Treasurer of Ontario under section 3 and to which shall be charged the costs and expenses of the Commission incurred under this Act, including charges to compensate the Commission for the services of its officers and other employees rendered under this Act and including the portion of the total administrative expenses of the Commission that have been incurred by reason of this Act.

Commission
not to
spend unless
money on
hand.

5. The Commission shall not spend or lend any money or incur any obligation for the purposes of this Act unless it has in hand the money therefor after providing for costs and expenses referred to in section 4.

Rev. Stat.,
c. 281, ss. 11,
12 not to
apply.

6. Sections 11 and 12 of *The Power Commission Act* shall not apply to the receipts and expenditures of the Commission under this Act.

Annual
estimate and
statement.

7. On or before the 1st day of November in each year the Commission shall furnish the Lieutenant-Governor in Council with an estimate of the moneys required under section 3 during the next ensuing fiscal year of the Commission and a statement of The Ontario Telephone Account for the next preceding fiscal year of the Commission.

Commence-
ment.

8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as *The Rural Telephone Act, 1951*.

BILL

An Act respecting Rural Telephone
Systems

1st Reading

March 28th, 1951

2nd Reading

March 30th, 1951

3rd Reading

April 4th, 1951

MR. CHALIES

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Land Transfer Tax Act

MR. FROST

EXPLANATORY NOTES

SECTION 1. This amendment abolishes the commission now payable by the Crown to registrars of deeds and masters of titles who are not paid by salary, for their services in collecting the land transfer tax. Complementary to section 3 of Bill No. 142, *An Act to amend The Registry Act*.

SECTIONS 2 and 3. Complementary to section 1.

No. 147

1951

BILL

An Act to amend The Land Transfer Tax Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Land Transfer Tax Act* is amended by striking out the words "and a registrar or master of titles not paid by salary shall be entitled to retain to his own use two per cent of the moneys collected by him under subsection 1 of section 1" in the third, fourth, fifth and sixth lines, so that the section shall read as follows:

Rev. Stat.,
c. 198, s. 2,
amended.

2. The tax shall be collected by the registrar or master of titles, as the case may be, before he registers the transfer, conveyance, deed or other instrument.

Collection
of tax by
registrar
or master
of titles.

2. Section 3 of *The Land Transfer Tax Act* is amended by striking out the words "less the percentage provided for in section 2" in the fourth and fifth lines, so that the section shall read as follows:

Rev. Stat.,
c. 198, s. 3,
amended.

3. The registrar and master shall within the first week of each month send to the Treasurer of Ontario a statement of the amount collected during the previous month in respect of said tax and shall pay over the amount thereof to the Treasurer of Ontario for the uses of Ontario.

Monthly
returns by
registrar
and master.

3. Section 6 of *The Land Transfer Tax Act* is repealed.

Rev. Stat.,
c. 198, s. 6,
repealed.

4. This Act shall come into force on the 1st day of April, 1951.

Commence-
ment.

5. This Act may be cited as *The Land Transfer Tax Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Land Transfer
Tax Act

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 147

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Land Transfer Tax Act

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 147

1951

BILL

An Act to amend The Land Transfer Tax Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Land Transfer Tax Act* is amended by striking out the words "and a registrar or master of titles not paid by salary shall be entitled to retain to his own use two per cent of the moneys collected by him under subsection 1 of section 1" in the third, fourth, fifth and sixth lines, so that the section shall read as follows:

Rev. Stat.,
c. 198, s. 2,
amended.
2. The tax shall be collected by the registrar or master of titles, as the case may be, before he registers the transfer, conveyance, deed or other instrument.

Collection
of tax by
registrar
or master
of titles.
2. Section 3 of *The Land Transfer Tax Act* is amended by striking out the words "less the percentage provided for in section 2" in the fourth and fifth lines, so that the section shall read as follows:

Rev. Stat.,
c. 198, s. 3,
amended.
3. The registrar and master shall within the first week of each month send to the Treasurer of Ontario a statement of the amount collected during the previous month in respect of said tax and shall pay over the amount thereof to the Treasurer of Ontario for the uses of Ontario.

Monthly
returns by
registrar
and master.
3. Section 6 of *The Land Transfer Tax Act* is repealed.

Rev. Stat.,
c. 198, s. 6,
repealed.
4. This Act shall come into force on the 1st day of April, 1951.

Commence-
ment.
5. This Act may be cited as *The Land Transfer Tax Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Land Transfer
Tax Act

1st Reading

March 28th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Succession Duty Act

MR. FROST

EXPLANATORY NOTES

SECTION 1. Clause *p* of section 1 of the Act sets out a number of things that are deemed to be "property passing on the death of the deceased". This number is enlarged by the addition of the new subclauses xii (which deals with agreements) and xiii (which deals with options).

The purpose of the new subclauses is to prevent improper evasions of the Act that may now occur where a person makes an agreement to sell or gives an option to buy some of his property which agreement or option is to take effect only after his death at a price below the value of the property at the date of his death.

SECTION 2. Subsection 1 of section 2 of the Act sets out various ways of determining the value of various kinds of property for succession duty purposes. The number is enlarged by the addition of the new clauses *d* and *e* which complement subclauses xii and xiii of clause *p* of section 1 of the Act, added by section 1 of this bill.

BILL

An Act to amend The Succession Duty Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Succession Duty Act* is amended by striking out the word "and" at the end of sub-clause *x* and by adding thereto the following subclauses: Rev. Stat., c. 378, s. 1, cl. *p*, amended.

(xii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime whereby such person agreed to purchase after the death of the deceased any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the agreement to purchase, including the price so fixed, is less than the value, at the time of the agreement and at the date of death of the deceased, of the property, and

(xiii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime, to exercise after the death of the deceased, an option to purchase any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the purchase of the property, including the price so fixed, is less than the value, at the date of death of the deceased, of the property.

2. Subsection 1 of section 2 of *The Succession Duty Act* is amended by striking out the word "and" at the end of clause *b* and by adding thereto the following clauses: Rev. Stat., c. 378, s. 2, subs. 1, amended.

(*d*) the value of the right mentioned in subclause xii of clause *p* of section 1 shall be an amount equal to

the difference between the value of the consideration for the agreement to purchase, including the price so fixed, and the value of the property at the date of death of the deceased, and where the value of the property has varied between the time of the agreement and the date of death of the deceased, the value of the consideration shall be deemed to vary in like proportion; and

- (e) the value of the right mentioned in subclause xiii of clause *p* of section 1 shall be an amount equal to the difference between the value of the property at the date of death of the deceased and the value of the consideration for the purchase of the property, including the price so fixed.

Rev. Stat.,
c. 378, s. 4,
subs. 1,
cl. *g*,
re-enacted.

3. Clause *g* of subsection 1 of section 4 of *The Succession Duty Act* is repealed and the following substituted therefor:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise.

Commence-
ment.

4.—(1) This Act shall come into force on the day it receives the Royal Assent.

Application
of ss. 1, 2.

(2) Sections 1 and 2 shall apply to any agreement made on or after the 6th day of March, 1951.

Short title.

5. This Act may be cited as *The Succession Duty Amendment Act, 1951*.

SECTION 3. The clause re-enacted exempts gifts made more than five years before the date of death. However, the present clause contains a proviso which cancels the exemption if the disposition results in the making of periodic payments.

Most trusts set up by persons in their lifetime provide for the making of periodic payments, so that they fall within the proviso and therefore lose the exemption.

The proviso is deleted in order to exempt such dispositions.

SECTION 4. The amendments made in sections 1 and 2 were announced in the Budget Address. They are now made effective from the day on which the Budget Address was delivered.



BILL

An Act to amend The Succession
Duty Act

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 148

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI. 1951

BILL

An Act to amend The Succession Duty Act

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Succession Duty Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Succession Duty Act* is amended by striking out the word "and" at the end of sub-clause *x* and by adding thereto the following subclauses: Rev. Stat., c. 378, s. 1, cl. *p*, amended.

(xii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime whereby such person agreed to purchase after the death of the deceased any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the agreement to purchase, including the price so fixed, is less than the value, at the time of the agreement and at the date of death of the deceased, of the property, and

(xiii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime, to exercise after the death of the deceased, an option to purchase any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the purchase of the property, including the price so fixed, is less than the value, at the date of death of the deceased, of the property.

2. Subsection 1 of section 2 of *The Succession Duty Act* is amended by striking out the word "and" at the end of clause *b* and by adding thereto the following clauses: Rev. Stat., c. 378, s. 2, subs. 1, amended.

(*d*) the value of the right mentioned in subclause *xii* of clause *p* of section 1 shall be an amount equal to

the difference between the value of the consideration for the agreement to purchase, including the price so fixed, and the value of the property at the date of death of the deceased, and where the value of the property has varied between the time of the agreement and the date of death of the deceased, the value of the consideration shall be deemed to vary in like proportion; and

- (e) the value of the right mentioned in subclause xiii of clause *p* of section 1 shall be an amount equal to the difference between the value of the property at the date of death of the deceased and the value of the consideration for the purchase of the property, including the price so fixed.

Rev. Stat.,
c. 378, s. 4,
subs. 1,
cl. *g*,
re-enacted.

3. Clause *g* of subsection 1 of section 4 of *The Succession Duty Act* is repealed and the following substituted therefor:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise.

Commence-
ment.

4.—(1) This Act shall come into force on the day it receives the Royal Assent.

Application
of ss. 1, 2.

(2) Sections 1 and 2 shall apply to any agreement made on or after the 6th day of March, 1951.

Short title.

5. This Act may be cited as *The Succession Duty Amendment Act, 1951*.

BILL

An Act to amend The Succession
Duty Act

1st Reading

March 28th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Provincial Loans Act

MR. FROST

EXPLANATORY NOTES

SECTION 1—Subsection 1. The effect of the proviso now repealed has been nullified each year for more than 30 years by a special provision in the annual borrowing statute. For example, see section 3 of *The Ontario Loan Act, 1950*.

Subsection 2. Statutes that authorize the Province to borrow money usually state that the amount that may be borrowed cannot exceed a specified number of dollars. This means Canadian dollars. If the securities are payable in United States dollars, as is authorized under subsection 5 of section 3 of *The Provincial Loans Act*, the "ceiling" cannot be accurately interpreted or applied.

The new subsection 5a provides authority to borrow United States dollars up to the number of "dollars" specified in the statute that authorizes the loan.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Provincial Loans Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 3 of *The Provincial Loans Act* is amended by striking out the words “provided that the amount to be invested out of the Consolidated Revenue Fund in any such sinking fund shall not exceed one-half of one per cent per annum on the amount of the debentures or stock to which it relates” in the seventh to eleventh lines, so that the subsection shall read as follows:

(4) On authorizing the issue of debentures or stock under clauses *a* or *b* of subsection 1, the Lieutenant-Governor in Council may provide for a special sinking fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions of the debentures or stock as have been or are hereafter issued without provision for a sinking fund with respect to them.

(2) The said section 3 is further amended by adding thereto the following subsection:

(5a) Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of debentures or other securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of debentures or other securities for the same number of dollars of the United States of America in principal amount, as the case may be.

2. *The Provincial Loans Act* is amended by adding thereto the following section:

Debentures,
etc., may
be issued
subject to
call.

- 3a. Debentures, Ontario Government stock or other securities issued by the Province of Ontario under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof.

Rev. Stat.,
c. 299, s. 13,
repealed.

3. Section 13 of *The Provincial Loans Act* is repealed.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Provincial Loans Amendment Act, 1951*.

SECTION 3. Section 13 is spent. It is therefore repealed. It reads as follows:

13. Nothing in this Act shall impair or prejudicially affect the rights of the holder of any securities issued before the 14th day of April, 1908. .

An Act to amend The Provincial
Loans Act

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 149

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Provincial Loans Act

MR. FROST

BILL

An Act to amend The Provincial Loans Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 3 of *The Provincial Loans Act* is amended by striking out the words “provided that the amount to be invested out of the Consolidated Revenue Fund in any such sinking fund shall not exceed one-half of one per cent per annum on the amount of the debentures or stock to which it relates” in the seventh to eleventh lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 299, s. 3,
subs. 4,
amended.

(4) On authorizing the issue of debentures or stock under clauses *a* or *b* of subsection 1, the Lieutenant-Governor in Council may provide for a special sinking fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions of the debentures or stock as have been or are hereafter issued without provision for a sinking fund with respect to them.

Special
and general
sinking
funds
authorized.

(2) The said section 3 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 299, s. 3,
amended.

(5a) Every Act heretofore or hereafter passed that authorizes the borrowing or raising by way of loan of a specific number of dollars or the issue of debentures or other securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of debentures or other securities for the same number of dollars of the United States of America in principal amount, as the case may be.

Same
number of
U.S. dollars.

2. *The Provincial Loans Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 299,
amended.

Debentures,
etc., may
be issued
subject to
call.

3a. Debentures, Ontario Government stock or other securities issued by the Province of Ontario under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof.

Rev. Stat.,
c. 299, s. 13,
repealed.

3. Section 13 of *The Provincial Loans Act* is repealed.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Provincial Loans Amendment Act, 1951*.

BILL

An Act to amend The Provincial
Loans Act

1st Reading

March 28th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. FROST

No. 150

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Hospitals Tax Act

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Taxable entertainment in places having lounge licences is defined as including anything in the way of entertainment other than background music as announced in the Budget Address.

Subsection 2. The definition of “place of entertainment” as amended will assist in the administration of the Act. There is no change in principle involved.

SECTION 2. The tax on admission to places of amusement (theatres, etc.) is reduced from 15% to $12\frac{1}{2}\%$ of the price of admission and the present exemption from tax on prices of admission of 15 cents and under is continued.

The tax on admission to places of entertainment (liquor lounges, etc.) is reduced from 15% to $12\frac{1}{2}\%$ of the price of admission, the maximum tax being limited to \$1 per person as at present.

No. 150

1951

BILL

An Act to amend The Hospitals Tax Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Hospitals Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 170, s. 1,
cl. *c*,
re-enacted.

(*c*) “entertainment by one or more paid performers”, if facilities for dancing are not provided, means any entertainment of any kind except music produced by means of a musical instrument other than the human voice and except entertainment produced by mechanical or electronic means.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: Rev. Stat.,
c. 170, s. 1,
cl. *g*,
re-enacted.

(*g*) “place of entertainment” means any premises or place, whether enclosed or not,

(i) where facilities for dancing are provided with the service of liquor, beer or wine, or

(ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until closed.

2. Section 3 of *The Hospitals Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 170, s. 3,
re-enacted.

3.—(1) Every purchaser of admission to a place of amusement shall pay the Treasurer for the use of Tax on
admission
to place of
amusement.

His Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission										Tax
More than	15	cents	and not	more than	20	cents	—	2	cents	
"	"	20	"	"	"	"	"	28	"	— 3 "
"	"	28	"	"	"	"	"	36	"	— 4 "
"	"	36	"	"	"	"	"	45	"	— 5 "
"	"	45	"	"	"	"	"	52	"	— 6 "
"	"	52	"	"	"	"	"	60	"	— 7 "
"	"	60	"	"	"	"	"	68	"	— 8 "
"	"	68	"	"	"	"	"	76	"	— 9 "
"	"	76	"	"	"	"	"	85	"	—10 "
"	"	85	"	"	"	"	"	92	"	—11 "
"	"	92	"	"	"	"	"	99	"	—12 "

and where the price of admission is more than 99 cents, a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,

(a) a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission where such price is less than \$8; and

(b) a tax of \$1 where such price is \$8 or more,

and in the calculation under clause a, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Commencement.

3. Section 1 shall come into force on the 1st day of July, 1951, and section 2 shall come into force on the 1st day of April, 1951.

Short title.

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1951*.

BILL

An Act to amend The Hospitals
Tax Act

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 150

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Hospitals Tax Act

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

Bill

to be a member of the House of Representatives

No. 150

1951

BILL

An Act to amend The Hospitals Tax Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 1,
cl. *c*,
re-enacted.

- (*c*) “entertainment by one or more paid performers”, if facilities for dancing are not provided, means any entertainment of any kind except music produced by means of a musical instrument other than the human voice and except entertainment produced by mechanical or electronic means.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 1,
cl. *g*,
re-enacted.

- (*g*) “place of entertainment” means any premises or place, whether enclosed or not,

- (i) where facilities for dancing are provided with the service of liquor, beer or wine, or

- (ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until closed.

2. Section 3 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 3,
re-enacted.

- 3.—(1) Every purchaser of admission to a place of amusement shall pay the Treasurer for the use of

Tax on
admission
to place of
amusement.

His Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission										Tax
More than 15 cents and not more than 20 cents										— 2 cents
" " 20	"	"	"	"	"	"	28	"	—	3 "
" " 28	"	"	"	"	"	"	36	"	—	4 "
" " 36	"	"	"	"	"	"	45	"	—	5 "
" " 45	"	"	"	"	"	"	52	"	—	6 "
" " 52	"	"	"	"	"	"	60	"	—	7 "
" " 60	"	"	"	"	"	"	68	"	—	8 "
" " 68	"	"	"	"	"	"	76	"	—	9 "
" " 76	"	"	"	"	"	"	85	"	—	10 "
" " 85	"	"	"	"	"	"	92	"	—	11 "
" " 92	"	"	"	"	"	"	99	"	—	12 "

and where the price of admission is more than 99 cents, a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,

(a) a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission where such price is less than \$8; and

(b) a tax of \$1 where such price is \$8 or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Commencement.

3. Section 1 shall come into force on the 1st day of July, 1951, and section 2 shall come into force on the 1st day of April, 1951.

Short title.

4. This Act may be cited as *The Hospitals Tax Amendment Act, 1951*.



BILL

An Act to amend The Hospitals
Tax Act

1st Reading

March 28th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

Mr. FROST

No. 151

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to authorize the Raising of Money on the Credit of the
Consolidated Revenue Fund

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend the Raising of Money on the Credit of the Consolidated Revenue Fund

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000. Loans up to \$100,000,000 authorized.

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Term and rate to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act. Sinking fund.

4. This Act shall come into force on the day it receives the Royal Assent. Commencement.

5. This Act may be cited as *The Ontario Loan Act, 1951*. Short title.

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. FROST

No. 151

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to authorize the Raising of Money on the Credit of the
Consolidated Revenue Fund

MR. FROST

BILL

An Act to amend the Raising of Money on the Credit of the Consolidated Revenue Fund

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000. Loans up to \$100,000,000 authorized.

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Term and rate to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act. Sinking fund.

4. This Act shall come into force on the day it receives the Royal Assent. Commencement.

5. This Act may be cited as *The Ontario Loan Act, 1951*. Short title.

BILL

An Act to authorize the Raising of Money
on the Credit of the Consolidated
Revenue Fund

1st Reading

March 28th, 1951

2nd Reading

March 29th, 1951

3rd Reading

April 2nd, 1951

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Highway Traffic Act

MR. DOUCETT

EXPLANATORY NOTES

SECTIONS 1, 4 and 5. These amendments are enacted to provide a definition of motorcycle so as to ensure that the Act is applicable to bicycles having motors attached, and to motor scooters, and the wording of the Act is changed so as to read motorcycle in every case.

SECTION 2. A number of sections of the Act confer powers and impose duties upon the Department of Highways. The amendment authorizes the Minister to act on behalf of the Department.

SECTION 3. Under this amendment the Minister will be enabled to authorize the Registrar of Motor Vehicles to act on his behalf.

No. 152

1951

BILL

An Act to amend The Highway Traffic Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause: Rev. Stat., c. 167, s. 1, subs. 1, amended.

(ll) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a bicycle with a motor attached and a motor scooter.

2. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended.

1a. Where by this Act powers are conferred or duties are imposed upon the Department, such powers may be exercised and such duties discharged by the Minister. Powers and duties of Department.

3. Section 2 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 2, amended.

(3) The Minister may authorize the Registrar to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act. Delegation to Registrar.

4.—(1) Subsection 1 of section 5 of *The Highway Traffic Act* is amended by striking out the words "motor bicycle" in the first line and inserting in lieu thereof the word "motor-cycle", so that the subsection shall read as follows: Rev. Stat., c. 167, s. 5, subs. 1, amended.

(1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a Number plate.

conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

Rev. Stat.,
c. 167, s. 5,
subs. 2,
amended.

(2) Subsection 5 of the said section 5 is amended by striking out the words "motor bicycle" where they occur in the first, fifth and eighth lines, respectively, and inserting in lieu thereof in each instance the word "motorcycle", so that the subsection shall read as follows:

Number
plate on
motorcycle.

(5) A motorcycle while being driven on a highway shall have exposed on the front and back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle, and the number plate on the front shall show the number of the permit issued for the current year on both sides and shall be fixed so that the number is plainly visible from either side of the motorcycle.

Rev. Stat.,
c. 167, s. 10,
subs. 1,
amended.

5. Subsection 1 of section 10 of *The Highway Traffic Act* is amended by striking out the words "motor bicycle" in the sixth line and inserting in lieu thereof the word "motorcycle", so that the subsection shall read as follows:

Lamps.

(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 200 feet from the front or rear, as the case may be.

Rev. Stat.,
c. 167, s. 11,
amended.

6. Section 11 of *The Highway Traffic Act* is amended by striking out the words "which has been approved by the Department" in the third line and inserting in lieu thereof the words "as described in clause g of subsection 1 of section 41", so that the section shall read as follows:

Vehicles
with right
hand drive.

11. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in clause g of subsection 1 of section 41, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour

SECTION 6. Complementary to amendments made in subsections 1 and 2 of section 7 of the Bill.

SECTION 7—Subsections 1 and 2. These amendments remove the requirement that devices to signal turns be approved by the Department, and specify in the Act the conditions that must be complied with in respect of such devices.

Subsection 3. The provision dealing with the location of signal-light control systems is amended to validate the so-called "mast-arm" system of mounting. The provision has heretofore required the lights to be "mounted on" a post or standard.

SECTION 8. This amendment will permit the owner of a motor vehicle who has been summoned to appear for an offence against the Act in another municipality, and whose defence is that neither he nor his vehicle was in that municipality at the time, to appear before a justice of the peace in his own municipality to give such evidence. Heretofore this procedure has been applicable only where the offence charged is in a county other than that in which he resides.

which is in contrast to that of the vehicle, the words,
 "RIGHT HAND DRIVE VEHICLE".

7.—(1) Clause *e* of subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words "which has been approved by the Department" in the fourth line and inserting in lieu thereof the words "as described in clause *g*", so that the clause shall read as follows:

Rev. Stat.,
 c. 167, s. 41,
 subs. 1, cl. *e*,
 amended.

- (*e*) The signal required in clause *d* shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in clause *g*.

Mode of
 signalling
 for left
 turn.

(2) Subsection 1 of the said section 41 is further amended by adding thereto the following clause:

Rev. Stat.,
 c. 167, s. 41,
 subs. 1,
 amended.

- (*g*) A mechanical or electrical signal device shall clearly indicate the intention to turn, shall be visible and understandable during daytime and night time from the front and from the rear of the vehicle for a distance of 100 feet, and shall be self-illuminated when used after dusk and before dawn.

Require-
 ments for
 signalling
 device.

(3) Subclause *i* of clause *i* of subsection 2 of the said section 41 is amended by inserting after the word "on" in the fourth line the words "or suspended from or by means of a bracket or extended arm attached to", so that the subclause shall read as follows:

Rev. Stat.,
 c. 167, s. 41,
 subs. 2, cl. *i*,
 subcl. 1,
 amended.

- (*i*) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on, or suspended from or by means of a bracket or extended arm attached to, a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

8. Subsection 1 of section 66 of *The Highway Traffic Act* is amended by striking out the word "county" where it occurs in the second and ninth lines, respectively, and inserting in lieu thereof in each instance the words "local municipality", so that the subsection shall read as follows:

Rev. Stat.,
 c. 167, s. 66,
 subs. 1,
 amended.

When owner
may appear
before
justice of
the peace.

- (1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, then and in that case only he may appear before a justice of the peace in the local municipality in which he resides and, in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate.

Rev. Stat.,
c. 167, s. 76,
subs. 2,
amended.

9. Subsection 2 of section 76 of *The Highway Traffic Act* is amended by striking out the word "less" in the seventh line and inserting in lieu thereof the word "more", so that the subsection shall read as follows:

Penalty.

- (2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than \$5; for the second offence to a penalty of not less than \$5 and not more than \$10; and for any subsequent offence to a penalty of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

Rev. Stat.,
c. 167,
amended.

10. *The Highway Traffic Act* is amended by adding thereto the following section:

Bill of
costs to
be taxed
and filed.

108a.—(1) No moneys shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action which resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister.

Fees
limited to
taxed
costs.

- (2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1 other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs.

SECTION 9. Correction of a typographical error.

SECTION 10. This amendment will require a barrister's or solicitor's bill of costs, as taxed on a solicitor and client basis, to be filed with the Minister before payment out of the Unsatisfied Judgment Fund, and requires the barrister or solicitor to charge only the taxed costs.

11.—(1) This Act, except section 9, shall come into force ^{Commence-} on the day it receives the Royal Assent.
ment.

(2) Section 9 shall be deemed to have come into force on *Idem.* the 31st day of December, 1950.

12. This Act may be cited as *The Highway Traffic Amend-* ^{Short title.}
ment Act, 1951.

An Act to amend
The Highway Traffic Act

1st Reading

March 28th, 1951

2nd Reading

3rd Reading

MR. DOUCETT

No. 152

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Highway Traffic Act

Mr. DOUCETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Traffic Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause: Rev. Stat., c. 167, s. 1, subs. 1, amended.

(11) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a bicycle with a motor attached and a motor scooter.

2. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended.

1a. Where by this Act powers are conferred or duties are imposed upon the Department, such powers may be exercised and such duties discharged by the Minister. Powers and duties of Department.

3. Section 2 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 2, amended.

(3) The Minister may authorize the Registrar to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act. Delegation to Registrar.

4.—(1) Subsection 1 of section 5 of *The Highway Traffic Act* is amended by striking out the words "motor bicycle" in the first line and inserting in lieu thereof the word "motor-cycle", so that the subsection shall read as follows: Rev. Stat., c. 167, s. 5, subs. 1, amended.

(1) Every motor vehicle other than a motorcycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a Number plate.

conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

Rev. Stat.,
c. 167, s. 5,
subs. 5,
amended.

(2) Subsection 5 of the said section 5 is amended by striking out the words "motor bicycle" where they occur in the first, fifth and eighth lines, respectively, and inserting in lieu thereof in each instance the word "motorcycle", so that the subsection shall read as follows:

Number
plate on
motorcycle.

(5) A motorcycle while being driven on a highway shall have exposed on the front and back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle, and the number plate on the front shall show the number of the permit issued for the current year on both sides and shall be fixed so that the number is plainly visible from either side of the motorcycle.

Rev. Stat.,
c. 167, s. 10,
subs. 1,
amended.

5. Subsection 1 of section 10 of *The Highway Traffic Act* is amended by striking out the words "motor bicycle" in the sixth line and inserting in lieu thereof the word "motorcycle", so that the subsection shall read as follows:

Lamps.

(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 200 feet from the front or rear, as the case may be.

Rev. Stat.,
c. 167, s. 11,
amended.

6. Section 11 of *The Highway Traffic Act* is amended by striking out the words "which has been approved by the Department" in the third line and inserting in lieu thereof the words "as described in clause g of subsection 1 of section 41", so that the section shall read as follows:

Vehicles
with right
hand drive.

11. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in clause g of subsection 1 of section 41, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour

which is in contrast to that of the vehicle, the words,
 "RIGHT HAND DRIVE VEHICLE".

7.—(1) Clause *e* of subsection 1 of section 41 of *The Highway Traffic Act* is amended by striking out the words "which has been approved by the Department" in the fourth line and inserting in lieu thereof the words "as described in clause *g*", so that the clause shall read as follows:

Rev. Stat.,
 c. 167, s. 41,
 subs. 1, cl. *e*,
 amended.

(*e*) The signal required in clause *d* shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in clause *g*.

Mode of
 signalling
 for left
 turn.

(2) Subsection 1 of the said section 41 is further amended by adding thereto the following clause:

Rev. Stat.,
 c. 167, s. 41,
 subs. 1,
 amended.

(*g*) A mechanical or electrical signal device shall clearly indicate the intention to turn, shall be visible and understandable during daytime and night time from the front and from the rear of the vehicle for a distance of 100 feet, and shall be self-illuminated when used after dusk and before dawn.

Require-
 ments for
 signalling
 device.

(3) Subclause *i* of clause *i* of subsection 2 of the said section 41 is amended by inserting after the word "on" in the fourth line the words "or suspended from or by means of a bracket or extended arm attached to", so that the subclause shall read as follows:

Rev. Stat.,
 c. 167, s. 41,
 subs. 2, cl. *i*,
 subcl. *i*,
 amended

(*i*) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on, or suspended from or by means of a bracket or extended arm attached to, a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

8. Subsection 1 of section 66 of *The Highway Traffic Act* is amended by striking out the word "county" where it occurs in the second and ninth lines, respectively, and inserting in lieu thereof in each instance the words "local municipality", so that the subsection shall read as follows:

Rev. Stat.,
 c. 167, s. 66,
 subs. 1,
 amended.

When owner
may appear
before
justice of
the peace.

- (1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, then and in that case only he may appear before a justice of the peace in the local municipality in which he resides and, in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate.

Rev. Stat.,
c. 167, s. 76,
subs. 2,
amended.

9. Subsection 2 of section 76 of *The Highway Traffic Act* is amended by striking out the word "less" in the seventh line and inserting in lieu thereof the word "more", so that the subsection shall read as follows:

Penalty.

- (2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than \$5; for the second offence to a penalty of not less than \$5 and not more than \$10; and for any subsequent offence to a penalty of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

Rev. Stat.,
c. 167,
amended.

10. *The Highway Traffic Act* is amended by adding thereto the following section:

Bill of
costs to
be taxed
and filed.

108a.—(1) No moneys shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action which resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister.

Fees
limited to
taxed
costs.

- (2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1 other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs.

11.—(1) This Act, except section 9, shall come into force ^{Commence-} on the day it receives the Royal Assent. _{ment.}

(2) Section 9 shall be deemed to have come into force on *Idem.* the 31st day of December, 1950.

12. This Act may be cited as *The Highway Traffic Amend-* ^{Short title.}
ment Act, 1951.

BILL

An Act to amend
The Highway Traffic Act

1st Reading

March 28th, 1951

2nd Reading

March 30th, 1951

3rd Reading

April 4th, 1951

MR. DOUGETT

No. 153

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to provide for Uniformity of Assessment in Greater Toronto

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This Bill provides for the establishment of a board to be known as the Greater Toronto Assessment Board.

The first function of the Board will be to value, in accordance with *The Assessment Act*, all land and buildings in the municipalities in the Greater Toronto area. This re-valuation will be carried out by the Board and its staff in collaboration with the assessment departments of the various municipalities.

The Lieutenant-Governor is empowered to declare in any year by proclamation that the assessment roll for the following year in any area municipality designated in the proclamation shall be prepared under the direction and control of the Board as provided in the Bill, and the remaining provisions of the Act will apply in the municipality.

The rolls of all the designated municipalities will be returned on the same day, to be determined by the Lieutenant-Governor in Council, to enable ratepayers to compare assessments in all the designated municipalities.

Special courts of revision will be established in each designated municipality for the purpose of hearing appeals in relation to assessment rolls prepared under the direction of the Board and appeals in relation to additions thereto under section 51a of *The Assessment Act*. In relation to other appeals to the court of revision, the court of revision of the municipality constituted under *The Assessment Act* will continue to have jurisdiction.

The Board is given a broad authority to appeal in relation to any assessment.

The expenses of the Board, the additional help that may be required, and the remuneration of members of the special courts of revision will be paid out of the Consolidated Revenue Fund.

No. 153

1951

BILL

An Act to provide for Uniformity of Assessment in Greater Toronto

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "area municipality" means the municipality and corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;

(b) "Board" means Greater Toronto Assessment Board constituted under this Act.

2.—(1) There shall be a board to be known as the Greater Toronto Assessment Board which shall consist of three members to be appointed by the Lieutenant-Governor in Council and who shall hold office during the pleasure of the Lieutenant-Governor in Council.

Board
constituted.

(2) The Lieutenant-Governor in Council may designate one of the members as chairman and one as vice-chairman of the Board.

Chairman
and vice-
chairman.

(3) When the office of the chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his stead.

Absence of
chairman.

(4) The Lieutenant-Governor in Council may fill any vacancy that may occur in the membership of the Board.

Vacancies.

(5) Any order, instruction, direction, notice or other document signed by the chairman of the Board shall be deemed to be signed by the Board.

Signing of
documents.

Objects and
powers of
Board.

3. The objects of the Board shall be, and it shall have power,

Rev. Stat.,
c. 24.

(a) to value in accordance with *The Assessment Act* all land, as defined in that Act, in each area municipality; and

(b) if a proclamation is issued under section 11, to direct and control the making of assessments and the preparation of assessment rolls in each area municipality designated in the proclamation.

Information
for Board.

4.—(1) The council and every officer and servant of every area municipality, upon request, shall furnish to the Board any information it may require to carry out the purposes of this Act.

Inspection
of records,
etc.

(2) The council and every officer and servant of every area municipality shall permit the Board or any person on its behalf to inspect and have access to all books, records and other documents relating in any manner to the preparation of an assessment roll in the municipality.

Assistance
by municipal
assessors,
etc.

5.—(1) Every area municipality shall place the services of its assessment commissioner and assessors and of the staff of its assessment department at the disposal of the Board to assist the Board in its valuation in any area municipality.

Assistance
by Board to
municipalities.

(2) Where the Board requires assistance from a municipality under subsection 1 to an extent that interferes with the proper carrying out of the duties of the assessment department, the Board shall supply from its staff such assistance as may be necessary for the proper carrying out of such duties.

Right of
access.

6. The members of the Board and any employee of the Board authorized by it shall have the same right of access and the same right to require the furnishing of information and the completion of questionnaires as is conferred on an assessment commissioner and assessor under *The Assessment Act*.

Office
accommoda-
tion, etc.

7.—(1) The Lieutenant-Governor in Council shall provide suitable office accommodation for the Board and its staff, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance thereof and for the performance of the duties of the Board.

Idem.

(2) Every area municipality shall provide adequate office space and filing equipment for the purposes of the valuation by the Board in the municipality.

8.—(1) The salaries or other remuneration of the members of the Board shall be fixed by the Lieutenant-Governor in Council. ^{Remuneration of members.}

(2) The Board, with the approval of the Minister of Municipal Affairs, may appoint such officers, clerks and servants as may be necessary for its purposes and may, with the like approval, fix their salaries. ^{Staff.}

9. The salaries or other remuneration of the members of the Board and its staff and all expenses of the Board shall be paid out of the Consolidated Revenue Fund. ^{Salaries and expenses.}

10.—(1) The Board shall from time to time report to the Lieutenant-Governor in Council on the progress of its work. ^{Progress report.}

(2) Upon the completion of the valuations in all the area municipalities, the Board shall make a complete report thereon to the Lieutenant-Governor in Council. ^{Report on valuations.}

(3) The reports of the Board shall be made available to the area municipalities and to the County of York. ^{Publication.}

11. The Lieutenant-Governor, by proclamation made on or before the 15th day of December in any year, may declare that the assessment shall be made and the assessment roll prepared in the following year in any area municipality designated in the proclamation under the direction and control of the Board, and upon such proclamation sections 12 to 22 shall apply in each area municipality so designated. ^{Proclamation.}

12. Where in the area municipality a by-law is in force providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, the business assessment roll shall be prepared under the direction and control of the Board. ^{Business assessment.}

13. In the year following such proclamation, the county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to sections 11 and 12, or in relation to appeals therefrom. ^{County assessor.}

14.—(1) In the year following such proclamation, the Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board. ^{Powers of Board.}

Idem.

(2) The Board shall, with respect to the area municipality and its assessment commissioner and assessors, have control and charge over the exercise by any of them of any of their powers and over the performance by them of any of their duties and obligations with respect to the making of assessments and the preparation of the assessment rolls for the area municipality.

Return of
assessment
roll.

Rev. Stat.,
c. 24.

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date as may be prescribed by the Lieutenant-Governor in Council.

Courts of
revision.

16.—(1) The Lieutenant-Governor in Council may constitute one or more courts of revision to act in the area municipality.

Number of
members.

(2) Each such court of revision shall consist of one or three members to be appointed by the Lieutenant-Governor in Council and each member shall hold office during the pleasure of the Lieutenant-Governor in Council.

Qualifica-
tion.

(3) Every member of a court of revision constituted under this section shall be a person eligible to be elected a member of the council of a municipality in Ontario.

Disqualifi-
cation.

(4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum.

(5) Where a court of revision consists of three members, two shall form a quorum.

Remunera-
tion.

(6) Each member of a court of revision constituted under this section shall be paid such sum for his services as the Lieutenant-Governor in Council may determine, and payment of all members of such courts of revision shall be paid out of the Consolidated Revenue Fund.

Jurisdic-
tion of
court of
revision.

(7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of the business assessment roll prepared pursuant to section 12, and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* shall continue to function as if this Act had not been passed.

17. The provisions of *The Assessment Act* in relation to Appeals, appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act, except that notice of appeal in relation to an assessment roll prepared pursuant to section 11 may be given within twenty-one days after the day upon which the roll is returned.

18.—(1) Notwithstanding anything in *The Assessment Act*, ^{Time for disposition of appeals.} where a court of revision has been constituted under this Act,

(a) the time within which the court of revision shall hear and dispose of all appeals and certify the assessment roll in the area municipality shall be three months after the return of the assessment roll;

(b) the time within which the judge shall determine appeals from the court of revision shall be four months after the return of the assessment roll.

(2) The Lieutenant-Governor in Council may extend, ^{Extension of time.}

(a) the date upon which the assessment roll is to be returned;

(b) the time within which the court of revision shall hear and dispose of appeals and certify the assessment roll; or

(c) the time within which the judge shall determine appeals from the court of revision.

19.—(1) The Board shall have the same right of appeal ^{Right of appeal of Board.} as is conferred on any person assessed under subsection 3 of section 69 of *The Assessment Act* with respect to the assessment roll of the area municipality. ^{Rev. Stat., c. 24.}

(2) The Board shall have the same rights of appeal as are ^{Idem.} conferred on an assessment commissioner or assessor under *The Assessment Act*.

20. Notwithstanding section 45 of *The Assessment Act*, ^{Assessment of steam railway company.} the assessment of a steam railway company in the assessment roll prepared under this Act shall be the amount for which the company shall be assessed in that year and for the next following four years in respect of the land and property included in such assessment.

21. The provisions of clause *j* of subsection 1 of section 16 ^{Land of non-residents.} of *The Assessment Act* shall not apply to the Township of East York, Etobicoke, North York, Scarborough or York, if such township is designated under section 11.

Application
of Rev. Stat.,
c. 24.

22.—(1) Except where otherwise provided in this Act, the provisions of *The Assessment Act* shall apply in the area municipality.

Conflict.

(2) Where the provisions of this Act and *The Assessment Act* conflict, this Act shall prevail.

Commence-
ment.

23. This Act shall come into force on the day it receives the Royal Assent.

Short title.

24. This Act may be cited as *The Greater Toronto Assessment Board Act, 1951*.

BILL

An Act to provide for Uniformity of
Assessment in Greater Toronto

1st Reading

April 2nd, 1951

2nd Reading

3rd Reading

MR. DUNBAR

No. 153

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to provide for Uniformity of Assessment in Greater Toronto

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 153

1951

BILL

An Act to provide for Uniformity of Assessment in Greater Toronto

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

(a) "area municipality" means the municipality and corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;

(b) "Board" means Greater Toronto Assessment Board constituted under this Act.

2.—(1) There shall be a board to be known as the Greater Toronto Assessment Board which shall consist of three members to be appointed by the Lieutenant-Governor in Council and who shall hold office during the pleasure of the Lieutenant-Governor in Council. Board constituted.

(2) The Lieutenant-Governor in Council may designate one of the members as chairman and one as vice-chairman of the Board. Chairman and vice-chairman.

(3) When the office of the chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his stead. Absence of chairman.

(4) The Lieutenant-Governor in Council may fill any vacancy that may occur in the membership of the Board. Vacancies.

(5) Any order, instruction, direction, notice or other document signed by the chairman of the Board shall be deemed to be signed by the Board. Signing of documents.

Objects and
powers of
Board.

3. The objects of the Board shall be, and it shall have power,

Rev. Stat.,
c. 24.

(a) to value in accordance with *The Assessment Act* all land, as defined in that Act, in each area municipality; and

(b) if a proclamation is issued under section 11, to direct and control the making of assessments and the preparation of assessment rolls in each area municipality designated in the proclamation.

Information
for Board.

4.—(1) The council and every officer and servant of every area municipality, upon request, shall furnish to the Board any information it may require to carry out the purposes of this Act.

Inspection
of records,
etc.

(2) The council and every officer and servant of every area municipality shall permit the Board or any person on its behalf to inspect and have access to all books, records and other documents relating in any manner to the preparation of an assessment roll in the municipality.

Assistance
by municipal
assessors,
etc.

5.—(1) Every area municipality shall place the services of its assessment commissioner and assessors and of the staff of its assessment department at the disposal of the Board to assist the Board in its valuation in any area municipality.

Assistance
by Board to
municipalities.

(2) Where the Board requires assistance from a municipality under subsection 1 to an extent that interferes with the proper carrying out of the duties of the assessment department, the Board shall supply from its staff such assistance as may be necessary for the proper carrying out of such duties.

Right of
access.

6. The members of the Board and any employee of the Board authorized by it shall have the same right of access and the same right to require the furnishing of information and the completion of questionnaires as is conferred on an assessment commissioner and assessor under *The Assessment Act*.

Office
accommodation,
etc.

7.—(1) The Lieutenant-Governor in Council shall provide suitable office accommodation for the Board and its staff, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance thereof and for the performance of the duties of the Board.

Idem.

(2) Every area municipality shall provide adequate office space and filing equipment for the purposes of the valuation by the Board in the municipality.

8.—(1) The salaries or other remuneration of the members of the Board shall be fixed by the Lieutenant-Governor in Council. ^{Remuneration of members.}

(2) The Board, with the approval of the Minister of Municipal Affairs, may appoint such officers, clerks and servants as may be necessary for its purposes and may, with the like approval, fix their salaries. ^{Staff.}

9. The salaries or other remuneration of the members of the Board and its staff and all expenses of the Board shall be paid out of the Consolidated Revenue Fund. ^{Salaries and expenses.}

10.—(1) The Board shall from time to time report to the Lieutenant-Governor in Council on the progress of its work. ^{Progress report.}

(2) Upon the completion of the valuations in all the area municipalities, the Board shall make a complete report thereon to the Lieutenant-Governor in Council. ^{Report on valuations.}

(3) The reports of the Board shall be made available to the area municipalities and to the County of York. ^{Publication.}

11. The Lieutenant-Governor, by proclamation made on or before the 15th day of December in any year, may declare that the assessment shall be made and the assessment roll prepared in the following year in any area municipality designated in the proclamation under the direction and control of the Board, and upon such proclamation sections 12 to 22 shall apply in each area municipality so designated. ^{Proclamation.}

12. Where in the area municipality a by-law is in force providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, the business assessment roll shall be prepared under the direction and control of the Board. ^{Business assessment.}

13. In the year following such proclamation, the county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to sections 11 and 12, or in relation to appeals therefrom. ^{County assessor.}

14.—(1) In the year following such proclamation, the Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board. ^{Powers of Board.}

Idem.

(2) The Board shall, with respect to the area municipality and its assessment commissioner and assessors, have control and charge over the exercise by any of them of any of their powers and over the performance by them of any of their duties and obligations with respect to the making of assessments and the preparation of the assessment rolls for the area municipality.

Return of
assessment
roll.

Rev. Stat.,
c. 24.

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date as may be prescribed by the Lieutenant-Governor in Council.

Courts of
revision.

16.—(1) The Lieutenant-Governor in Council may constitute one or more courts of revision to act in the area municipality.

Number of
members.

(2) Each such court of revision shall consist of one or three members to be appointed by the Lieutenant-Governor in Council and each member shall hold office during the pleasure of the Lieutenant-Governor in Council.

Qualifica-
tion.

(3) Every member of a court of revision constituted under this section shall be a person eligible to be elected a member of the council of a municipality in Ontario.

Disqualifi-
cation.

(4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum.

(5) Where a court of revision consists of three members, two shall form a quorum.

Remunera-
tion.

(6) Each member of a court of revision constituted under this section shall be paid such sum for his services as the Lieutenant-Governor in Council may determine, and payment of all members of such courts of revision shall be paid out of the Consolidated Revenue Fund.

Jurisdic-
tion of
court of
revision.

(7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of the business assessment roll prepared pursuant to section 12, and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* shall continue to function as if this Act had not been passed.

17. The provisions of *The Assessment Act* in relation to Appeals, appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act, except that notice of appeal in relation to an assessment roll prepared pursuant to section 11 may be given within twenty-one days after the day upon which the roll is returned.

18.—(1) Notwithstanding anything in *The Assessment Act*, ^{Time for disposition of appeals.} where a court of revision has been constituted under this Act,

- (a) the time within which the court of revision shall hear and dispose of all appeals and certify the assessment roll in the area municipality shall be three months after the return of the assessment roll;
- (b) the time within which the judge shall determine appeals from the court of revision shall be four months after the return of the assessment roll.

(2) The Lieutenant-Governor in Council may extend, ^{Extension of time.}

- (a) the date upon which the assessment roll is to be returned;
- (b) the time within which the court of revision shall hear and dispose of appeals and certify the assessment roll; or
- (c) the time within which the judge shall determine appeals from the court of revision.

19.—(1) The Board shall have the same right of appeal ^{Right of appeal of Board.} as is conferred on any person assessed under subsection 3 of section 69 of *The Assessment Act* with respect to the assessment roll of the area municipality. ^{Rev. Stat., c. 24.}

(2) The Board shall have the same rights of appeal as are ^{Idem.} conferred on an assessment commissioner or assessor under *The Assessment Act*.

20. Notwithstanding section 45 of *The Assessment Act*, ^{Assessment of steam railway company.} the assessment of a steam railway company in the assessment roll prepared under this Act shall be the amount for which the company shall be assessed in that year and for the next following four years in respect of the land and property included in such assessment.

21. The provisions of clause *j* of subsection 1 of section 16 ^{Land of non-residents.} of *The Assessment Act* shall not apply to the Township of East York, Etobicoke, North York, Scarborough or York, if such township is designated under section 11.

Application
of Rev. Stat.,
c. 24.

22.—(1) Except where otherwise provided in this Act, the provisions of *The Assessment Act* shall apply in the area municipality.

Conflict.

(2) Where the provisions of this Act and *The Assessment Act* conflict, this Act shall prevail.

Commence-
ment.

23. This Act shall come into force on the day it receives the Royal Assent.

Short title.

24. This Act may be cited as *The Greater Toronto Assessment Board Act, 1951*.



BILL

An Act to provide for Uniformity of
Assessment in Greater Toronto

1st Reading

April 2nd, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. DUNBAR

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Insurance Act

MR. PORTER

EXPLANATORY NOTES

GENERAL:

1. The provisions of *The Insurance Act* dealing with administration of deposits and reciprocal deposits were found inadequate to meet many of the problems which recently arose when an insurance company went into liquidation. The whole matter was studied by a special committee set up by the provincial Superintendents of Insurance which submitted proposed amendments to the Insurance Acts of the various provinces. Accordingly, the provisions dealing with administration of deposits and reciprocal deposits are revised and can be found in section 5 of this Bill.

2. For a number of years the automobile underwriters have been preparing a new form of standard automobile policy which is known as "the comprehensive form". This work is now completed and has been approved by the Association of Superintendents of Insurance of the provinces of Canada.

Extended coverage is given a policyholder. It will cover not only his own automobile as described in the application, but also a newly acquired automobile, a temporarily substituted automobile and any other private passenger type of automobile which is being driven by the insured or his or her spouse.

The policy also extends the coverage by what is known as "the comprehensive item" which covers loss or damage to the insured automobile from any cause other than by collision. It also provides for compensation by way of medical payments for injuries sustained by the driver and passengers of an insured automobile.

Sections 2, and 7 to 18 of this Bill, which effect changes in the Automobile Part of *The Insurance Act*, are designed to accommodate the so-called comprehensive form of automobile policy that is described in a general way above.

It is expected that similar changes will be made in the Insurance Acts of the other provinces, thus retaining complete uniformity throughout Canada in this field. These changes are to be brought into force by proclamation so that a convenient common date may be chosen.

SECTION 1. The amendment is complementary to section 20 of this Bill.

SECTION 2. The purpose of the new section 27a is to avoid amending existing company licences and to grant the necessary authority. This should be considered with the proposed section 212a and the amendment to section 218 (see sections 15 and 18 of this Bill).

SECTION 3. Subsection 2 of section 37 is repealed due to the fact that the provisions of the subsection are fully covered elsewhere in the section.

SECTION 4. The amendment is necessary to correct references to section numbers which are changed by reason of the other amendments to the Act.

No. 154

1951

BILL

An Act to amend The Insurance Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Insurance Act* is amended by adding thereto the following paragraph: Rev. Stat.,
c. 183, s. 1,
amended.

55a. "salesman" means a person who is employed by a licensed insurance agent or broker on a stated salary which is not supplemented by commission, bonus, or any other remuneration, to solicit insurance or transact, for a person other than himself, an application for a policy of insurance, or to act in the negotiation of such insurance or in negotiating its continuance or renewal, or collects and receives premiums on behalf of his employer only, but does not include a licensed insurance agent, broker or employee engaged solely in office duties for an agent or broker or a person acting under the authority of subsection 16, 17 or 18 of section 290.

2. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat.,
c. 183,
amended.

27a. Every insurer licensed for the transaction of automobile insurance may, under the authority of its licence, unless the licence expressly provides otherwise, provide the restricted accident insurance authorized under section 212a. Scope of
automobile
insurance
licence.

3. Subsection 2 of section 37 of *The Insurance Act* is repealed. Rev. Stat.,
c. 183, s. 37,
subs. 2,
repealed.

4. Subsection 2 of section 40 of *The Insurance Act* is amended by striking out the figures and word "46 to 49" in the third line and inserting in lieu thereof the figures and word "67 to 71", so that the subsection shall read as follows: Rev. Stat.,
c. 183, s. 40,
subs. 2, 4
amended.

(2) The provisions of sections 41 to 71 shall not apply to an insurer maintaining a reciprocal deposit with Application
to Dominion
licensees.

the government of another province pursuant to sections 67 to 71, or expressly exempted by order of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 183,
ss. 46-71,
re-enacted.

5. Sections 46 to 71 inclusive of *The Insurance Act* are repealed and the following substituted therefor:

ADMINISTRATION OF DEPOSIT

Interpreta-
tion.

46. In sections 47 to 71 inclusive, unless the context otherwise requires,

1. "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
 - (a) every person insured by a contract whether named or not; and
 - (b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and
 - (c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214;
2. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
3. "Ontario contract" means a subsisting contract of insurance that,
 - (a) has for its subject,
 - (i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or
 - (ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in or has its head office in Ontario; or
 - (b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

SECTION 5. The provisions dealing with reciprocal deposits and the administration of deposits are completely revised.

4. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69;

5. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 with respect to the deposit of a particular insurer.

47.—(1) Notwithstanding anything hereinafter contained but subject to subsection 2, at any time before the granting of an order for administration of a deposit and upon the recommendation of the Superintendent certifying that such action is necessary or desirable for the protection of policyholders entitled to share in the proceeds of the deposit, the Minister may use all or any part of the deposit for the purpose of reinsuring all or any part of the Ontario contracts.

(2) A reciprocal deposit may be used for purposes of re-insurance in the manner and to the extent agreed upon by the Superintendents of Insurance of the reciprocating provinces and not otherwise.

48.—(1) The deposit made by an insurer under this Act shall be subject to administration in the manner hereinafter provided.

(2) Subject to sections 68 and 69, the deposit shall be held and administered for the benefit of all insured persons under Ontario contracts and they shall be entitled to share in the proceeds of the deposit.

(3) An insured person under an Ontario contract shall be entitled to share in the proceeds of the deposit in respect of,

(a) a claim for a loss that is covered by the contract and that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act*; or

(b) a claim for refund of unearned premiums except in the case of life insurance; or

(c) a claim for payment of the legal reserve in respect of the contract in the case of life insurance; or

(d) claims under both clauses *a* and *b*.

49.—(1) An application for administration of a deposit shall be made by originating notice of motion to a judge of the Supreme Court of Ontario.

Where
application
to be made.

(2) The application shall be made in the county or district,

(a) in which the head office of the insurer is situate; or

(b) in which the chief office of the insurer in Ontario is situate if its head office is outside Ontario.

Application
by Superin-
tendent.

50.—(1) With the approval of the Minister, the Superintendent may make application for administration at any time when, in his opinion, it is necessary or desirable for the protection of the insured person entitled to share in the proceeds of the deposit.

Idem.

(2) In the case of a reciprocal deposit held in Ontario, the Superintendent of Insurance of any reciprocating province may make application for administration of the deposit.

Application
by insured
persons.

(3) An insured person entitled to share in the proceeds of a deposit may make application for administration of the deposit upon producing evidence,

(a) that he has served the Superintendent with a notice in writing of his intention to make application if the Superintendent or the Superintendent of Insurance of any reciprocating province does not apply; and

(b) that sixty days have elapsed since the service of the notice and that no application for administration of the deposit has been made.

Duty of
Superinten-
dent in case
of reciprocal
deposit.

(4) In the case of a reciprocal deposit, if the Superintendent is served with a notice as provided in subsection 3, he shall forthwith notify the Superintendent of Insurance of each reciprocating province that he has been so served.

Service of
notice of
motion.

51.—(1) The applicant for administration of the deposit shall serve the originating notice of motion at least ten days prior to the date specified in the notice for the making of the application,

(a) upon the insurer or, where the insurer is in liquidation, upon the liquidator of the insurer; and

(b) upon the Superintendent; and

(c) in the case of a reciprocal deposit, upon the Superintendent of Insurance of each reciprocating province.

Order for
administra-
tion.

(2) An applicant for administration shall be entitled to an order for administration upon proof,

- (a) that the licence of the insurer has been cancelled, and that its assets are insufficient to discharge its outstanding liabilities; or
- (b) that an order has been made for the winding up of the insurer; or
- (c) that the insurer has failed to pay,
 - (i) an undisputed claim for sixty days after it has been admitted, or
 - (ii) a disputed claim after final judgment and tender of a valid discharge,

if the claim arose under a contract of insurance in respect of which the deposit is subject to administration.

52.—(1) Upon granting an order for administration the court shall appoint a receiver to administer the deposit. Receiver, appointment.

(2) Where a provisional liquidator or a liquidator has been appointed under this Act or *The Companies Act*, or a liquidator has been appointed under the *Winding-up Act* (Canada) to wind up a company that has made a deposit under this Act, the court may appoint the provisional liquidator or the liquidator as the receiver to administer the deposit. Provisional liquidator, appointment.
Rev. Stat., c. 59.
R.S.C. 1927, c. 213.

(3) Thereupon the provisional liquidator or the liquidator shall administer the deposit for the benefit of the insured persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act. Deposit, how to be administered.

53.—(1) Where a termination date has not been fixed by a provisional liquidator or a liquidator pursuant to section 315 of *The Companies Act*, forthwith after his appointment the receiver shall fix a termination date for the subsisting contracts of insurance of the insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date. Termination date.

(2) Where a receiver administering a reciprocal deposit held in another province for the benefit of the insured persons under Ontario contracts fixes a termination date for the subsisting contracts of insurance of the insurer, on and after that date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date. Termination of Ontario contracts on date fixed by receiver in another province.

(3) The termination date shall not be less than twenty and not more than forty-five days after the date upon which the receiver was appointed. When termination date to be fixed.

Notice of
termination
date.

(4) The receiver shall forthwith give notice in writing of the termination date to the Superintendent, and in the case of a reciprocal deposit, to the Superintendent of Insurance of each reciprocating province.

Publication
of notice.

(5) The receiver shall forthwith publish notice of the termination date in *The Ontario Gazette* and in the official *Gazette* of each reciprocating province and in such newspapers circulating in those provinces as the receiver in his opinion deems advisable in order to give reasonable notice of the termination date.

Notice to
insured
persons
under
Ontario con-
tracts.

54.—(1) The Superintendent, upon receiving notice of a termination date fixed by the receiver administering the deposit of an insurer, shall forthwith take such action as he may deem advisable in the interests of the insured persons under Ontario contracts to give notice of that date to them as soon as is reasonably possible.

List of
insured
persons.

(2) Without restricting the generality of subsection 1, the Superintendent may forthwith require each agent of the insurer in Ontario to forward to him a list showing the name and address of each person who has entered into a contract of insurance with the insurer of whom the agent has a record.

Notice to
persons
on list.

(3) On receipt of each list forwarded by an agent, the Superintendent may send by ordinary mail to each person whose name appears on the list a notice containing the following information:

- (a) The termination date fixed by the receiver.
- (b) The name and address of the receiver to whom particulars of claims for loss and claims for refund of unearned premiums should be submitted.
- (c) Such other information as the Superintendent deems advisable.

Publication
of contents
of notice.

(4) The Superintendent in his discretion may publish, broadcast or otherwise communicate or distribute the information contained in the notice, either generally or in any particular area or case, in such manner and by such means as he deems best suited to convey the information to the insured persons as soon as is reasonably possible having regard to all the circumstances.

Duty of
receiver
on appoint-
ment.

55. Forthwith after his appointment the receiver shall,

- (a) call either upon the insurer or its agent or liquidator to furnish a list of all insured persons who are entitled to share in the proceeds of the deposit; and

- (b) call upon all insured persons who are entitled to share in the proceeds of the deposit to file their claims if they have not already done so.

56. The court, by the order appointing a receiver or by any subsequent order, may authorize the receiver to exercise, in respect of the accounts of the insurer, all or any of the powers that the Master of the Supreme Court would have if he were taking an account of the claims against the deposit, and every receiver so authorized shall have those powers as well as all other powers enjoyed by a receiver appointed under an order of the court.

Powers of
Master of
Supreme
Court
exercisable
by receiver.

57.—(1) The receiver may apply to the court from time to time for an order authorizing him,

Application
by receiver
for order
for sale of
securities.

- (a) to sell or realize upon all or any portion of the securities comprised in the deposit of the insurer; and

- (b) to pay from the proceeds thereof the costs of the administration of the deposit including salaries of office staff, office expenses, the fee for the services of the receiver, fees and disbursements to adjusters and solicitors, and such other costs and expenses as the court deems proper.

(2) The court may require the receiver to give such notice of the application in such manner as the court may require.

Notice of
applica-
tion.

(3) After hearing the application, the court may make the order and may require the receiver to comply with such conditions as the court may direct.

Making of
order.

58. The proceeds of the deposit shall be payable,

Priorities
in payment
of proceeds
of deposit.

- (a) firstly, in payment of the receiver and of all costs and expenses incurred by him in the administration of the deposit and in payment of the remuneration, costs and expenses of the provisional liquidator as ordered by the Minister pursuant to subsection 3 of section 311 of *The Companies Act*;

Rev. Stat.,
c. 59.

- (b) secondly, in payment of the insured persons who are entitled to share in the proceeds of the deposit in accordance with the priorities set out in section 59.

59.—(1) Except in the case of life insurance, each insured person who claims in respect of a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act* shall be entitled to receive payment of his approved or settled

Priority
of loss
claims.

claim in full in priority to the insured persons who claim in respect of refunds of unearned premiums.

Priority
of unearned
premium
claims.

(2) Subject to subsection 1, an insured person who claims in respect of a refund of unearned premiums may claim such part of the premium paid as is proportionate to the period of his contract unexpired,

Rev. Stat.,
c. 59.

(a) at the termination date fixed by the receiver pursuant to section 53 or fixed by the provisional liquidator or the liquidator pursuant to section 315 of *The Companies Act*; or

(b) at the date the insured person cancelled the contract,

whichever is the earlier date.

Priority
of life
insurance
claims.

(3) In the case of life insurance, each insured person who has a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act* shall rank in the distribution of the proceeds of the deposit for the approved or settled amount of the claim *pari passu* with insured persons under unmaturred life insurance contracts.

Claim under
unmaturred
life policy.

(4) An insured person under an unmaturred life insurance contract shall be entitled to the full amount of the legal reserve in respect of his contract determined by the receiver according to the valuation thereof approved by the Superintendent under this Act.

Action of
receiver
on receipt
of claims.

60.—(1) Where an insured person has filed a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act*, the receiver shall inquire into the claim and,

(a) may approve the claim if a final judgment has been obtained against the insurer in respect thereof; or

(b) may approve the claim if it has been adjusted or settled by the insurer or by the receiver at an amount that in his opinion the claimant is reasonably entitled to receive; or

(c) may refuse to approve the claim or the amount thereof.

Appeal from
receiver.

(2) An appeal shall lie from any decision of the receiver if taken within thirty days from the date on which the person appealing has received notice of the decision.

(3) The appeal shall be taken by service on the receiver and by the filing of a notice of motion returnable before a judge of the Supreme Court in chambers who may summarily determine the matter or may direct an issue to be tried or may make such other order as he deems proper.

Manner of
appeal.

61.—(1) The receiver shall prepare a list showing the names of the persons who appear by the books and records of the insurer or otherwise to be entitled to share in the proceeds of the deposit.

List of
persons
entitled to
share in
deposit.

(2) The receiver shall prepare and attach to the list a schedule of approved claims for losses of persons whose names appear on the list showing in respect of each approved claim,

Schedule of
approved
claims for
losses.

- (a) the name and address of the claimant;
- (b) the particulars of the contract of insurance upon which the claim is based;
- (c) whether the claim was reduced to judgment or was adjusted or settled; and
- (d) the amount to which the claimant is entitled.

(3) The receiver shall prepare and attach to the list a schedule of unapproved claims for losses of persons whose names appear on the list showing in respect of each claim,

Schedule
of un-
approved
claims for
losses.

- (a) the name and address of the claimant;
- (b) the particulars of the contract of insurance upon which the claim is based;
- (c) the amount for which the claim is made or the amount estimated by the receiver as the probable maximum amount that will be payable under the contract in respect of that loss.

(4) Except in the case of life insurance, the receiver shall prepare and attach to the list a schedule of unearned premiums refundable showing in respect of each person whose name appears on the list and who is entitled to a refund,

Schedule of
unearned
premiums.

- (a) his name and address;
- (b) the particulars of the contract of insurance in respect of which the unearned premium is refundable;
- (c) the date on which the policy was terminated either

Rev. Stat.,
c. 59.

by the receiver pursuant to section 53 or by the provisional liquidator or the liquidator pursuant to section 315 of *The Companies Act*, or was cancelled by the insured person;

- (d) the amount of the unearned premium as calculated by the receiver in accordance with subsection 2 of section 59.

Schedule
of legal
reserves on
life policies.

(5) In the case of life insurance, the receiver shall prepare and attach to the list a schedule of contract legal reserves showing in respect of each person whose name appears on the list and who is entitled to claim for the legal reserve in respect of his contract,

- (a) his name and address;
- (b) the particulars of the contract of insurance in respect of which the legal reserve is payable;
- (c) the amount of the legal reserve calculated by the receiver pursuant to subsection 4 of section 59.

Application
for order
for payment
on account
of claims.

62.—(1) Upon completion of the schedules and after having paid or provided reasonable reserves out of the deposit to pay the amounts payable pursuant to clause *a* of section 58, the receiver may apply to the court for an order authorizing the payment of such aggregate sum as may be fixed by the court on account of the amounts payable pursuant to clause *b* of section 58.

Provision
for payment
of claims.

(2) Except in the case of life insurance, the receiver shall divide the sum mentioned in subsection 1 so as to provide for payment of the claims for losses in full or, if the sum is inadequate, *pro rata* on account of,

- (a) the approved claims for losses set out in the schedule of approved claims for losses; and
- (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses,

and shall distribute the portion referred to in clause *a* at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause *b* for distribution from time to time as the unapproved claims are approved.

Payment of
unearned
premiums.

(3) Except in the case of life insurance, if there appears to be a surplus remaining after the receiver has paid or retained a sum that, in his opinion, is reasonably adequate to



pay in full all claims for losses referred to in subsection 2, the receiver shall divide the surplus so as to provide for payment of all unearned premiums in full or, if it is inadequate, among the persons entitled to a refund of unearned premiums in proportion to the amounts payable as set out in the schedule of unearned premiums refundable.

(4) In the case of life insurance, the receiver shall divide the sum fixed pursuant to subsection 1 so as to provide for payment of the following amounts in full or, if the sum is inadequate, *pro rata* on account of, Payment of claims in case of life insurance.

- (a) the approved claims for losses set out in the schedule of approved claims for losses;
- (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses;
- (c) the full amount of the legal reserve in respect of each matured life insurance contract as set out in the schedule of contract legal reserves,

and shall distribute the portions referred to in clauses *a* and *c* at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause *b* for distribution from time to time as the unapproved claims are approved.

63. If a claim in respect of a loss that occurred before the termination date is filed after the receiver has applied to the court under subsection 1 of section 62, and before the final order of the court discharging the receiver, the claimant shall be entitled to share in the distribution of the moneys remaining in the hands of the receiver upon proof of his claim and upon such terms and conditions as the court may direct. Payment of delayed claims.

64. The receiver administering a deposit may apply to the court at any time on summary application for directions or advice pertaining to any matter arising in the administration of the deposit. Application to court for direction.

65. Upon the completion of the distribution of the proceeds of the deposit, the receiver shall submit his final accounts to the court and the court, on the passing thereof, may make an order approving the accounts and discharging the receiver. Submission by receiver of final accounts.

66. If a claim is made after the completion of the distribution of the proceeds of the deposit and the discharge of the receiver, or if there is a claim against the insurer by an insured person not fully paid by the distribution of the proceeds of the deposit, the claimant is not barred from any recourse he Claims remaining unpaid after distribution of deposit.

may have against the insurer, and his claim shall be a first lien or charge on the assets of the insurer in winding up as provided in subsection 2 of section 313 of *The Companies Act*.

Rev. Stat.,
c. 59.

Certain
persons
not entitled
to share in
proceeds of
deposit.

66a. A person who holds security for his claim under a contract of insurance, or who is entitled to share in the administration of a fund deposited with the government of any other province for the protection of persons resident in that province, shall only be entitled to share in the administration of the Ontario deposit if he abandons such special security and releases his claim upon any other government deposit.

RECIPROCAL DEPOSITS

Interpreta-
tion.

67.—(1) In sections 68 and 69, the expression “contracts” shall in relation to any other province of Canada have the meaning assigned to it by the Act of that province under which insurers are licensed to carry on the business of insurance.

Application
of ss. 68, 69.

(2) This section and sections 68 and 69 shall be applicable notwithstanding that the insurer is or may become licensed in one province for classes of insurance different from those for which it is or may become licensed in another province.

Idem.

(3) The provisions of sections 68 and 69 shall prevail over any other provisions of this Act to the extent that they are inconsistent with such other provisions.

Reciprocal
deposits.

68.—(1) Where an insurer has its head office for Canada in Ontario and makes a deposit under this Act for the purposes of this section by virtue whereof the insurer will not be required to make a deposit in another province in which it is or may become licensed to undertake insurance, the following provisions shall have effect:

Order pre-
scribing
amount of
deposit and
reciprocating
provinces.

(a) The amount of the deposit to be made and maintained by the insurer shall be fixed by order of the Lieutenant-Governor in Council and the order shall declare what provinces are reciprocating provinces with respect to that insurer's deposit.

Deposit as
security for
contracts.

(b) The deposit shall be held and administered as security *pari passu* for the Ontario contracts of the insurer and for its contracts in any reciprocating province.

Certificate
of Superin-
tendent as
to deposit.

(c) The Minister shall, upon the request of the official who issues or proposes to issue a licence to the insurer in another province, certify under his hand that the deposit is held in the manner provided by clause b,



and the Superintendent shall forward the certificate to that official and a copy to the Superintendent of Insurance in each province.

- (d) Where, with respect to the outstanding contracts of the insurer, it appears to the Superintendent from the annual statement under section 74 or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary, or where it appears to the Superintendent of Insurance for another province in which the insurer is licensed from any annual report made to him by the insurer or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary and such Superintendent requests the Superintendent to obtain a further deposit, the insurer shall forthwith deposit such further sum as the Lieutenant-Governor in Council may fix. Further deposit.
- (e) If the insurer obtains a Dominion licence extending to this or another province and as a Dominion licensee makes a deposit under the Dominion Act, the Minister may, on the request of the insurer, authorize the Treasurer of Ontario to deliver to the insurer or to transfer to the Minister of Finance for Canada all or any part of such deposit as the Minister thinks fit having regard to the extent of the Dominion licence, and the Superintendent shall forthwith give notice of the delivery or transfer to the Superintendent of Insurance of each reciprocating province. Transfer of deposit to Minister of Finance for Canada.
- (f) Where the licence of the insurer is suspended or cancelled under this Act, the Superintendent shall forthwith give notice to the Superintendent of Insurance in each province. Notice of suspension or cancellation of licence.
- (g) Where the insurer ceases to carry on insurance business in Canada and its deposit may be withdrawn under this Act, the Superintendent shall notify the Superintendent of Insurance in each province, and all claims and liabilities arising in any such province shall be verified by the Superintendent of Insurance of that province and a statement thereof communicated to the Superintendent. Cessation of business in Canada and notice thereof to Superintendent.
- (h) Where the insurer ceases to transact business in or its licence is suspended or cancelled in a reciprocating province and notice thereof is given to the Superintendent, the Minister and the Superintendent, upon the request of the Superintendent in the reciprocating Cessation of business in reciprocating province.

province, may take any action that could be taken if the insurer ceased to transact business in or its licence was suspended or cancelled in Ontario.

Change of location of head office and transfer of deposit.

(2) The insurer shall not change the location of its head office to another province without the consent of the Minister, but where the Minister so consents, he may authorize the Superintendent to transfer the insurer's deposit to the Minister responsible for the deposit in that province or to the insurer, as the Minister in that province requests, and the Superintendent shall forthwith give notice of any change or transfer to the Superintendent of Insurance of each reciprocating province.

Exemption of insurer with head office for Canada in another province.

69.—(1) Where an insurer has its head office for Canada in another province and there makes a deposit of such amount as may be fixed by the proper authority in that province and under the laws of that province the deposit is held as security *pari passu* for its Ontario contracts and its contracts in every reciprocating province, the Minister, upon receipt of a certified copy of an order of the Lieutenant-Governor in Council of the province in which the deposit is made fixing the amount of the deposit and declaring that Ontario is a reciprocating province with respect to that insurer's deposit, and upon receipt of the consent of the insurer to its deposit being so held, shall exempt the insurer from the provisions of this Act requiring it to make and maintain a deposit.

Notice of ceasing to transact business.

(2) Where the insurer ceases to transact business in or its licence is suspended or cancelled in Ontario, the Superintendent shall forthwith give notice thereof to the Superintendent of Insurance of the province in which the reciprocal deposit is held and to the Superintendent of Insurance of each other reciprocating province.

Notice to insured persons under Ontario contracts.

(3) Where an order is made for the administration of a reciprocal deposit held in another province pursuant to subsection 1, the Superintendent, as soon as is reasonably possible after receipt of notice of the termination date fixed by the receiver, shall proceed pursuant to section 54 to give the notice required by that section to the insured persons under the Ontario contracts.

Transfer of deposit.

(4) Where a licensed insurer is exempted under this section, the Minister shall transfer its deposit under this Act to the Minister responsible for the deposit in the province in which the insurer has its head office or to the insurer, as that Minister requests.

Agreement to use securities to reinsure.

69a. At any time before the granting of an order for the administration of a reciprocal deposit, the Superintendent of

SECTION 6. At present where a wife seeks to change the designation of her husband as beneficiary under an insurance policy where he has been living apart from her for some years, she is required to prove "that he is living apart from his wife in circumstances disentitling him to an order for restitution of conjugal rights". It has been found that in Ontario there is no law whereby a husband can secure an order for restitution of conjugal rights as such a provision was not imported from the law of England into our statute law. The section is, therefore, amended to remedy the situation.

Insurance of each reciprocating province may enter into an agreement to use all or any part of the securities deposited for the purpose of reinsuring all or any part of the risks of the insurer outstanding in all or any of those provinces.

70.—(1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 67 to 69, direct by Order in Council that those sections shall apply to that province.

Application
of ss. 67-69
to other
provinces.

(2) A copy of every Order in Council under this section shall be sent to the Superintendent of Insurance in each province.

Copy of
order to
Superinten-
dent of
Insurance.

71.—(1) Where a licensed insurer, hereinafter called the continuing insurer, has, by purchase or otherwise, acquired the assets and assumed the liabilities within Ontario of another licensed insurer, hereinafter called the discontinuing insurer, or reinsured all the contracts of a discontinuing insurer outstanding within Ontario, the Lieutenant-Governor in Council may, upon the application of the continuing insurer, and upon the report of the Superintendent, direct the transfer of the deposit held by the Minister under this Act in the name of the discontinuing insurer to the continuing insurer.

Transfer of
deposit from
discontinuing
insurer to
continuing
insurer.

(2) In any such case the deposit so transferred shall thereafter be treated and dealt with under this Act in the same manner as though it had been originally deposited by the continuing insurer.

Effect of
transfer.

6. Section 170 of *The Insurance Act* is amended by striking out the words "disentitling him" in the sixth line and inserting in lieu thereof the words "which would disentitle him, by the law of England on the 1st day of January, 1951", so that the section shall read as follows:

Rev. Stat.,
c. 183, s. 170,
amended.

170. Where the wife or husband of the person whose life is insured is designated as beneficiary, and it appears, in the case of the wife, that she is living apart from her husband in circumstances disentitling her to alimony, or in the case of the husband, that he is living apart from his wife in circumstances which would disentitle him, by the law of England on the 1st day of January, 1951, to an order for restitution of conjugal rights, and that there is no other member of the class of preferred beneficiaries whom the insured may designate as beneficiary in place of the designated beneficiary, the court may, on the application of the insured, and on such terms as may seem fit, declare the designated beneficiary disentitled to

Circum-
stances dis-
entitling
wife or
husband as
beneficiary.

claim the benefit of the provisions of this Part relating to preferred beneficiaries, and the insured may then deal with the policy as provided by section 161.

Rev. Stat.,
c. 183, s. 192,
cl. g,
re-enacted. 7. Clause g of section 192 of *The Insurance Act* is repealed and the following substituted therefor:

- (g) "owner's policy" means a motor vehicle liability policy insuring a person named therein in respect of the ownership, operation or use of an automobile owned by him and specifically described in the policy and in respect of the ownership, operation or use of any other automobile which may be within the definition thereof appearing in the policy.

Rev. Stat.,
c. 183, s. 194,
subs. 3, cls.
b-e, re-
enacted; cl.
f, repealed. 8.—(1) Clauses b to f of subsection 3 of section 194 of *The Insurance Act* are repealed and the following substituted therefor:

- (b) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (c) whether any insurer has cancelled any policy of automobile insurance of the applicant or refused automobile insurance to him;
- (d) whether any licence, permit, registration certificate or other like authority, issued to the applicant under a law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (e) such further information as the insurer may require or the Superintendent may prescribe.

Rev. Stat.,
c. 183, s. 194,
subs. 4,
re-enacted. (2) Subsection 4 of the said section 194 is repealed and the following substituted therefor:

Application
in other
cases.

- (4) Every other written application shall set forth,
- (a) the name, address and occupation or business of the applicant;
- (b) the description of the automobile to be insured as the described automobile;

SECTION 7. This is to permit the extension of coverage under an owner's policy provided for in the definition of "automobile" in the draft policy.

SECTION 8—Subsection 1. The clauses as re-enacted make the driver's application correspond with the owner's application as amended by subsection 2 of this section of the Bill.

Subsection 2. These amendments are complementary to the changes made in the new draft owner's application form and the wording of the new draft policy.

SECTION 9—Subsection 1. This change is considered necessary to support the wording used in the present standard form and in the draft form. Without this addition there might be some question whether the definition in section 192 (*e*) applied to the statutory conditions printed in the policy form.

Subsections 2 and 3. These conditions are brought into conformity with the new conditions in the draft policy form. Conditions 3 and 4 are necessary because of the new cover with respect to trailers provided by the definition of "automobile" in the draft policy. Condition 4*a* is the former condition 4.

- (c) the purchase price to the applicant of the automobile so described;
- (d) whether purchased new or otherwise;
- (e) particulars of any mortgage, lien or encumbrance thereon;
- (f) the place where it is and will usually be kept;
- (g) the locality in which and the purpose for which it is and will be chiefly used;
- (h) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (i) whether any insurer has cancelled any policy of automobile insurance of the applicant, or refused automobile insurance to him;
- (j) whether any licence, permit, registration certificate or other like authority, issued to the applicant or member of his family and household under any law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (k) such further information as the insurer may require or the Superintendent may prescribe.

9.—(1) Section 197 of *The Insurance Act* is amended by Rev. Stat., c. 183, s. 197, amended. inserting under the heading "Statutory Conditions" the following:

In these statutory conditions, unless the context otherwise requires, the word "insured" means a person insured by the policy whether named or not.

(2) Statutory condition 3 in the said section 197 is amended Rev. Stat., c. 183, s. 197, stat. con. 3, amended. by striking out clause *a* and by relettering clauses *b* and *c* as clauses *a* and *b* respectively, so that the statutory condition shall read as follows:

Uses Prohibited Without Permission

3. Unless permission is expressly given by an endorsement of the policy and in consideration of an additional stated premium, the automobile shall not be rented or leased nor shall it be used:

Explosives

(a) to carry explosives; or

Taxicab or Bus

(b) as a taxicab, public omnibus, livery, jitney, or sight-seeing conveyance or for carrying passengers for compensation or hire.

Rev. Stat.,
c. 183, s. 197,
stat. con. 4,
re-enacted.

(3) Statutory condition 4 in the said section 197 is repealed and the following substituted therefor:

Trailers

4. In the case of indemnity afforded by motor vehicle liability policies, the automobile shall not be used for the towing of a trailer owned or hired by the insured that is not covered by like indemnity by the insurer; nor shall a trailer so covered by the policy be towed by an automobile owned or hired by the insured that is not covered by like indemnity by the insurer.

**Liability
in War**

4a. In cases other than motor vehicle liability policies, the insurer shall not be liable for loss or damage that is caused directly or indirectly by bombardment, invasion, civil war, insurrection, rebellion, revolution, military or usurped power, or by operations of armed forces while engaged in hostilities, whether war be declared or not, or by civil commotion arising from any of the foregoing, unless the policy or an endorsement thereon expressly provides otherwise.

Rev. Stat.,
c. 183, s. 197,
stat. con. 5,
par. 1,
amended.

(4) Paragraph 1 of statutory condition 5 in the said section 197 is amended by striking out the words "an automobile described in the policy" in the seventh and eighth lines and inserting in lieu thereof the words "the automobile", so that the paragraph shall read as follows:

**Loss or Damage
to Persons or
Property**

**Insured to
Give Notice
of Accident
and Claim**

(1) The insured shall promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property, and of any claim made on account of accident; shall verify by affidavit or statutory declaration, if required by the insurer, that the claim arises out of the operation or use of the automobile and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured by the policy; and shall forward immediately to the insurer every writ, letter, document or advice received by him from or on behalf of the claimant.

Rev. Stat.,
c. 183, s. 197,
stat. con. 6,
par. 1,
amended.

(5) Paragraph 1 of statutory condition 6 in the said section 197 is amended by striking out the first three lines and inserting in lieu thereof the following:

**Loss or Damage
to the
Automobile**

(1) Upon the occurrence of loss of or damage to the automobile, the insured shall, if the loss or damage is covered by this policy:

Rev. Stat.,
c. 183, s. 197,
stat. con. 9,
repealed.

(6) Statutory condition 9 in the said section 197 is repealed.

Rev. Stat.,
c. 183, s. 197,
stat. cons.
10-13, re-
numbered.

(7) Statutory conditions 10, 11, 12 and 13 in the said section 197 are renumbered as statutory conditions 9, 10, 11 and 12 respectively.

Rev. Stat.,
c. 183, s. 200,
subs. 1, re-
enacted.

10. Subsection 1 of section 200 of *The Insurance Act* is repealed and the following substituted therefor:

Misrepresenta-
tion or
violation of
conditions
renders
claim
invalid.

(1) Where an applicant for a contract gives false particulars of the described automobile to be insured, to the prejudice of the insurer, or knowingly misrepresents or fails to disclose in the application any

Subsection 4. This condition is brought into conformity with the new condition in the draft policy form.

Subsection 5. The paragraph amended is brought into conformity with the new conditions in the draft policy form.

Subsection 6. The provisions of the present statutory condition 9 have been embodied in substantive legislation appearing in section 212*b* of the Act as proposed in section 15 of this Bill.

SECTION 10. The introductory wording only has been changed to clarify the meaning.

SECTION 11. The word "uses" in subsections 1 and 2 has been changed to read "personally drives" to accord with the original intent. Subsection 1 relates to the specifically described automobile while subsection 2 relates to the other automobiles with respect to which cover is given by the definition of "automobile" in the draft policy.

fact required to be stated therein or where the insured violates a term or condition of the policy or commits a fraud, or makes a wilfully false statement with respect to a claim under the policy, — a claim by the insured shall be invalid and the right of the insured to recover indemnity shall be forfeited.

11. Section 207 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 183, s. 207,
re-enacted.

207.—(1) Every owner's policy shall insure the person named therein and every other person who with his consent personally drives any automobile specifically described in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage, Coverage
of owner's
policy,
specific
automobile.

(a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and

(b) resulting from,

(i) bodily injury to or death of any person, or

(ii) damage to property, or

(iii) both.

(2) Nothing in subsection 1 shall preclude coverage being provided in an owner's policy to the person named therein and such other persons as may be specified therein who with his consent personally drives any other automobile within the definition thereof appearing in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage, Idem. other
automobiles.

(a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and

(b) resulting from,

(i) bodily injury to or death of any person,
or

(ii) damage to property, or

(iii) both.

Rights of
unnamed
insured.

- (3) Any person insured by but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rev. Stat.,
c. 183, s. 208,
cl. a,
amended.

12. Clause *a* of section 208 of *The Insurance Act* is amended by striking out the words "Canada or the United States of America" in the fifth and sixth lines and inserting in lieu thereof the words "Canada, the continental United States of America or Alaska", so that the clause shall read as follows:

- (a) arising from the operation or use by him of any automobile, other than an automobile owned by or registered in the name of such insured, while he is personally in control as driver or occupant of such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports within those countries; and

.

Rev. Stat.,
c. 183, s. 209,
amended.

13. Section 209 of *The Insurance Act* is amended by adding thereto the following subsections:

Where more
than one
policy.

- (2) Where a person is insured under more than one motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under clause *b* of subsection 1 between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its policy, the insured or any insurer may apply to the Supreme Court and the court shall give such directions as may appear proper with respect to the performance of the obligations.

Hearing.

- (3) On an application under subsection 2, the only parties entitled to notice thereof and to be heard thereon shall be the insured and his insurers and no material or evidence used or taken upon such an application shall be admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use of the automobile in respect of which the insurance is provided.

SECTION 12. This amendment will give the same territorial cover under the driver's policy as will be provided under the draft owner's policy.

SECTION 13. These new procedural provisions will implement the new principle of contribution set forth in section 212*b* of the Act—see section 15 of this Bill.

SECTION 14. Clause *b* is a revision of the present clause and limits the present exclusion to the circumstances indicated. Clauses *a*, *c*, *d* and *f* are the same as the present clauses. Clause *e* has been amended to make the meaning quite clear.

- (4) An order under subsection 2 shall not affect the Order. rights and obligations of the insurers with respect to payment of any indemnity under their respective policies.

- (5) Where the insured has indemnity under two or more policies and one or more is or are excess insurance by virtue of section 212b, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursements provided for in subsection 1 in accordance with their respective liabilities for damages against the insured. ^{Contribution.}

14. Section 210 of *The Insurance Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 183, s. 210, re-enacted.}

210. Subject to section 212a, the insurer shall not be Exceptions from liability. liable under an owner's policy or a driver's policy,

(a) for any liability imposed by any workmen's compensation law upon the insured; or

(b) for loss or damage resulting from bodily injury to or the death of,

(i) the son, daughter, wife, husband, mother, father, brother or sister of the insured while being carried in or upon or entering or getting on to or alighting from the automobile, or

(ii) the insured,

or, unless the coverage is expressly extended under section 212,

(c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile; or

(d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or

(e) for loss of or damage to property carried in or upon the automobile or to any property

owned or rented by, or in the care, custody or control of the insured; or

- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

Rev. Stat.,
c. 183, s. 212,
re-enacted.

15. Section 212 of *The Insurance Act* is repealed and the following substituted therefor:

Extended
coverage.

212.—(1) The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in the case of an owner's policy or driver's policy in whole or in part in any or all of the following respects, namely, the matters mentioned in clauses *c*, *e* and *f* of subsection 1 of section 210.

Idem.

- (2) The insurer may, by an endorsement on the policy or by provision in the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in the case of an owner's policy or driver's policy in respect to the matter mentioned in clause *d* of subsection 1 of section 210.

Idem.

- (3) The insurer may, in the case of an owner's policy, extend the coverage in whole or in part in respect of the operation or use of automobiles not owned by or registered in the name of the insured.

Idem.

- (4) The insurer may, in the case of an owner's policy or a driver's policy, extend the coverage to such other matters as the Superintendent may approve.

Approval of
Superinten-
dent.

- (5) No insurer shall extend the coverage under subsection 3 or 4 without the approval of the Superintendent as to the form of the extended coverage, the method of providing therefor and as to the necessity or otherwise of an additional stated premium for the coverage.

Extended
coverage.

212a.—(1) An insurer issuing an owner's policy or a driver's policy may, in consideration of an additional stated premium, in addition to the other insuring agreements therein, agree to pay for each person who sustains bodily injury caused by an accident while driving, being carried in or upon, or entering or getting on to, or alighting from, the automobile

SECTION 15. The amendments to section 212 are made necessary by the changes made in section 210 which are in turn based upon the more comprehensive cover given by the new draft policy.

The proposed section 212a is self-explanatory. It should be considered with sections 2 and 7 to 18 of this Bill. It is proposed to incorporate this in the new policy form.

The proposed section 212*b* replaces present statutory condition 9 in section 197 of the Act. It carries into effect the principle of making a policy covering a person as a named insured a first loss and a policy covering the same person as unnamed insured an excess insurance. See also sections 13 and 17 of this Bill for other necessary provisions consequent upon the adoption of this principle.

SECTION 16. The amendment is necessary to correct references to section numbers which are changed by reason of other amendments to the Act.

specifically described in the policy or within the definition thereof appearing in the policy, within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof, if the automobile is being used by the insured named in the policy or with his consent, all reasonable expenses incurred, within one year from the date of the accident as a result of the injury, for necessary medical, surgical, dental, ambulance, hospital, professional nursing and funeral services.

- (2) No insurer shall give the insurance under subsection 1 without the approval of the Superintendent as to the terms and conditions thereof. Approval of Superintendent.

212b.—(1) Subject to subsection 2, if the insured named in a policy has or places any additional or other valid insurance of his interest in the subject matter of the contract, or any part thereof, the insurer shall be liable only for its rateable proportion of any loss or damage. Where other valid insurance.

- (2) Where a valid motor vehicle liability policy insures a person named therein and that person is also insured under another valid motor vehicle liability policy as an unnamed insured, the first-mentioned policy shall be a first loss insurance and the second mentioned policy shall be excess insurance only. Where more than one motor vehicle liability policy.

- (3) A copy of subsections 1 and 2 shall be printed or stamped in conspicuous type not less in size than 10-point upon every automobile insurance policy and those subsections shall constitute terms of the contract between the insurer and the insured and subsection 2 shall operate as between insurers. Subss. 1, 2, to be printed on policy.

16. Section 213 of *The Insurance Act* is amended by striking out the figures "212" in the first line and inserting in lieu thereof the figures and letter "212b", so that the section shall read as follows: Rev. Stat., c. 183, s. 213, amended.

213. Where any provision of sections 207 to 212b is inapplicable by reason of the requirements of any Act or, in the opinion of the Superintendent, unsuitable to any special form of contract, he may approve a form of motor vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured and in that case those sections shall not apply. Policy in special cases.

Rev. Stat., c. 183, s. 214, subss. 5, 6, re-enacted. **17.—**(1) Subsections 5 and 6 of section 214 of *The Insurance Act* are repealed and the following substituted therefor:

Contribution among insurers.

- (5) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims referred to in subsection 1 to be made parties to the action and to contribute according to their respective liabilities, whether this be rateably or by way of first loss or excess insurance as the case may be, and the insured shall, on demand, furnish the insurer with particulars of all other insurance covering the subject matter of the contract.

Defence where excess or extended coverage.

- (6) Subject to subsection 7, where a policy provides, or if more than one policy, the policies provide for coverage in excess of the limits mentioned in section 211 or for extended coverage in pursuance of subsections 1, 2 and 4 of section 212, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent any insurer from availing itself, as against a claimant, of any defence that the insurer is entitled to set up against the insured.

Rev. Stat., c. 183, s. 214, amended.

- (2) The said section 214 is further amended by adding thereto the following subsection:

Idem.

- (10) An insurer shall be entitled to avail itself of subsection 9 notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party.

Rev. Stat., c. 183, s. 218, amended.

- 18.** Section 218 of *The Insurance Act* is amended by adding thereto the following subsection:

Extended coverage.

- (4a) This Part shall not apply to insurance provided under section 212a.

Rev. Stat., c. 183, s. 290, subs. 8, amended.

- 19.—**(1) Subsection 8 of section 290 of *The Insurance Act* is amended by inserting after the word "section" in the first line the words "or section 290a", so that the subsection, exclusive of the clauses, shall read as follows:

Revocation.

- (8) A licence issued under this section or section 290a may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of such licence,

SECTION 17. These amendments are made necessary by reason of the principle set out in the proposed section 212*b* of the Act—see section 15 of this Bill.

SECTION 18. This provision avoids the necessity of setting out in the policy the accident and sickness statutory conditions and otherwise complying with that Part.

SECTION 19. The amendments are complementary to section 20 of this Bill.

SECTION 20. The purpose of the new section 290a is to create a new classification to be known as "salesman" who will be required to be licensed as such. Heretofore they have been exempt from licensing provisions.

(2) Subsection 9 of the said section 290 is amended by inserting after the word "licence" in third line the words "under this section and section 290a", so that the first five lines of the subsection shall read as follows: Rev. Stat., c. 183, s. 290, subs. 9, amended.

(9) In determining the granting or refusal of an application for a licence or renewal of licence, or the revocation of any existing licence, under this section and section 290a, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of, Advisory board to hold hearing and report.

(3) Subsection 19 of the said section 290 is repealed and the following substituted therefor: Rev. Stat., c. 183, s. 290, subs. 19, re-enacted.

(19) Unless the Superintendent otherwise directs, an officer, or salaried employee of a licensed insurer who does not receive commissions, or an attorney or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney may, without a licence, act for such insurer or exchange in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer or exchange may lawfully undertake, provided that officers or employees whose applications for licences as insurance agents or salesmen have been refused or whose licences have been revoked or suspended may not so act without the written approval of the Superintendent, and provided further in the cases of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a licence. Salaried officials, etc., acting without licence.

20. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 183, amended.

LICENCES OF INSURANCE SALESMEN

290a.—(1) The Superintendent may issue to any person who has complied with the requirements of this Act a licence authorizing such person to act as a salesman on behalf of a licensed insurance agent or broker in negotiating contracts of insurance or in the negotiation of the continuance or renewal of any contracts such agent or broker may lawfully undertake. Licences of salesman.

Type of
insurance
covered.

- (2) Licences so issued shall be for any classes of insurance other than life insurance.

Issue of
licence.

- (3) Upon written notice to the Superintendent that a licensed agent or broker has appointed a person as a salesman to act on his behalf, and upon due application of such person and payment by him of a fee of \$10, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a licence, and has not been refused a licence as an insurance agent or broker, or had such licence suspended or revoked, issue to the applicant a licence which shall state in substance that the holder is, during the term of the licence, authorized to act within Ontario as a salesman of such agent or broker.

Form of
notice of
appoint-
ment.

- (4) Such notice of appointment by a licensed agent or broker other than a life insurance agent shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the agent or broker to act as a salesman in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent which shall give his name, age, residence, the amount of monthly salary he is to receive for such employment, his present occupation and occupation for the five years next preceding the date of notice, particulars of any other employment in which he may be engaged, and such other information as the Superintendent may require.

Licence to
exclude life
insurance.

- (5) The licence shall expressly exclude the business of life insurance, but nothing herein shall prevent the issuance to the same applicant of a licence as a life insurance agent, if due application is made upon written notice of appointment by a licensed insurer.

Notice of
termination
of employ-
ment.

- (6) Where a licensed salesman ceases to be employed by the appointing agent or broker, notice in writing shall forthwith be given by the agent or broker to the Superintendent of such termination of employment with the reason therefor, and thereupon the licence shall be *ipso facto* suspended but such licence may be revived subject to the approval of the Superintendent upon filing a notice of the salesman's appointment by another agent or broker, and upon payment of a fee of \$1.

SECTION 21. The amendment is complementary to section 20 of this Bill.

SECTION 22. The amendment corrects a typographical error.

- (7) An agent or broker who fails to notify the Superintendent within thirty days of the termination of a salesman's appointment as required by subsection 6 shall be guilty of an offence. Failure to give notice.

- (8) A licence issued under this section shall expire on the 30th day of September next after its issue unless automatically suspended by notice pursuant to subsection 6 or unless revoked or suspended by the Superintendent; but such licence may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of a licensed agent or broker respecting the salesman's appointment, and payment of a fee of \$10, without requiring anew the detailed information hereinbefore specified. Term and renewal of licence.

- (9) The holder of a licence issued under this section may, during the term and validity of his licence, act as salesman only for the agent or broker by whom he is appointed and within the limits of such agent's or broker's licence for classes of insurance other than life insurance. Who salesman may act for.

- (10) Every person who assumes to act as a salesman of an insurance agent or broker without the licence required by this section, or while his licence as such is suspended, shall be guilty of an offence. Offence.

21. Subsection 4 of section 300 of *The Insurance Act* is amended by striking out the words "act only in the name and" in the sixth line and inserting in lieu thereof the words "perform office duties only", so that the subsection shall read as follows: Rev. Stat., c. 183, s. 300, subs. 4, amended.

- (4) The licence shall specify the officers who may act thereunder in the name and on behalf of the corporation and every such officer shall file a statement or application and pay the fee required by this Act for individual agents, brokers or adjusters provided that employees who do not receive commissions and who perform office duties only on behalf of the corporation may so act by authority of the corporation licence although not named therein. Officers who may act under licence.

22. Item 5 of Schedule A of *The Insurance Act* is amended by striking out the figures "50" in the second line and inserting in lieu thereof the figures "71", so that the item shall read as follows: Rev. Stat., c. 183, Sched. A, item 5, amended.

5. Order in Council withdrawing or transferring deposit (sections 45 and 71)..... 25.00

Commence-
ment.

23. Sections 2, 4, 5 and 7 to 18 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short
title.

24. This Act may be cited as *The Insurance Amendment Act, 1951*.



BILL

An Act to amend
The Insurance Act

1st Reading

March 30th, 1951

2nd Reading

3rd Reading

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Insurance Act

Mr. PORTER

THE
 OFFICE OF THE
 SECRETARY OF THE
 TREASURY

BILL

TO THE HONORABLE THE SECRETARY OF THE TREASURY

1874

BILL

An Act to amend The Insurance Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Insurance Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 183, s. 1, amended.

55a. "salesman" means a person who is employed by a licensed insurance agent or broker on a stated salary which is not supplemented by commission, bonus, or any other remuneration, to solicit insurance or transact, for a person other than himself, an application for a policy of insurance, or to act in the negotiation of such insurance or in negotiating its continuance or renewal, or collects and receives premiums on behalf of his employer only, but does not include a licensed insurance agent, broker or employee engaged solely in office duties for an agent or broker or a person acting under the authority of subsection 16, 17 or 18 of section 290.

2. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 183, amended.

27a. Every insurer licensed for the transaction of automobile insurance may, under the authority of its licence, unless the licence expressly provides otherwise, provide the restricted accident insurance authorized under section 212a. Scope of automobile insurance licence.

3. Subsection 2 of section 37 of *The Insurance Act* is repealed. Rev. Stat., c. 183, s. 37, subs. 2, repealed.

4. Subsection 2 of section 40 of *The Insurance Act* is amended by striking out the figures "71" in the first line and inserting in lieu thereof the figures "45" and by striking out the figures and word "46 to 49" in the third line and inserting in lieu thereof the figures and word "67 to 71", so that the subsection shall read as follows: Rev. Stat., c. 183, s. 40, subs. 2, amended.

(2) The provisions of sections 41 to 45 shall not apply to an insurer maintaining a reciprocal deposit with Application to Dominion licensees.

the government of another province pursuant to sections 67 to 71, or expressly exempted by order of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 183,
ss. 46-71,
re-enacted.

5. Sections 46 to 71 inclusive of *The Insurance Act* are repealed and the following substituted therefor:

ADMINISTRATION OF DEPOSIT

Interpreta-
tion.

46. In sections 47 to 71 inclusive, unless the context otherwise requires,

1. "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,

(a) every person insured by a contract whether named or not; and

(b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and

(c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214;

2. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;

3. "Ontario contract" means a subsisting contract of insurance that,

(a) has for its subject,

(i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or

(ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in or has its head office in Ontario; or

(b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

4. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69;

5. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 with respect to the deposit of a particular insurer.

47.—(1) Notwithstanding anything hereinafter contained but subject to subsection 2, at any time before the granting of an order for administration of a deposit and upon the recommendation of the Superintendent certifying that such action is necessary or desirable for the protection of policyholders entitled to share in the proceeds of the deposit, the Minister may use all or any part of the deposit for the purpose of reinsuring all or any part of the Ontario contracts.

Deposit may be used to reinsure Ontario contracts.

(2) A reciprocal deposit may be used for purposes of reinsurance in the manner and to the extent agreed upon by the Superintendents of Insurance of the reciprocating provinces and not otherwise.

Consent required in case of reciprocal deposit.

48.—(1) The deposit made by an insurer under this Act shall be subject to administration in the manner hereinafter provided.

Administration of deposit.

(2) Subject to sections 68 and 69, the deposit shall be held and administered for the benefit of all insured persons under Ontario contracts and they shall be entitled to share in the proceeds of the deposit.

Persons for whom deposit administered

(3) An insured person under an Ontario contract shall be entitled to share in the proceeds of the deposit in respect of,

Claims entitling insured to share in deposit.

(a) a claim for a loss that is covered by the contract and that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act*; or

Rev. Stat., c. 59.

(b) a claim for refund of unearned premiums except in the case of life insurance; or

(c) a claim for payment of the legal reserve in respect of the contract in the case of life insurance; or

(d) claims under both clauses *a* and *b*.

49.—(1) An application for administration of a deposit shall be made by originating notice of motion to a judge of the Supreme Court of Ontario.

Application for administration of deposit.

Where
application
to be made.

(2) The application shall be made in the county or district,

(a) in which the head office of the insurer is situate; or

(b) in which the chief office of the insurer in Ontario is situate if its head office is outside Ontario.

Application
by Superin-
tendent.

50.—(1) With the approval of the Minister, the Superintendent may make application for administration at any time when, in his opinion, it is necessary or desirable for the protection of the insured person entitled to share in the proceeds of the deposit.

Idem.

(2) In the case of a reciprocal deposit held in Ontario, the Superintendent of Insurance of any reciprocating province may make application for administration of the deposit.

Application
by insured
persons.

(3) An insured person entitled to share in the proceeds of a deposit may make application for administration of the deposit upon producing evidence,

(a) that he has served the Superintendent with a notice in writing of his intention to make application if the Superintendent or the Superintendent of Insurance of any reciprocating province does not apply; and

(b) that sixty days have elapsed since the service of the notice and that no application for administration of the deposit has been made.

Duty of
Superinten-
dent in case
of reciprocal
deposit.

(4) In the case of a reciprocal deposit, if the Superintendent is served with a notice as provided in subsection 3, he shall forthwith notify the Superintendent of Insurance of each reciprocating province that he has been so served.

Service of
notice of
motion.

51.—(1) The applicant for administration of the deposit shall serve the originating notice of motion at least ten days prior to the date specified in the notice for the making of the application,

(a) upon the insurer or, where the insurer is in liquidation, upon the liquidator of the insurer; and

(b) upon the Superintendent; and

(c) in the case of a reciprocal deposit, upon the Superintendent of Insurance of each reciprocating province.

Order for
administra-
tion.

(2) An applicant for administration shall be entitled to an order for administration upon proof,

- (a) that the licence of the insurer has been cancelled, and that its assets are insufficient to discharge its outstanding liabilities; or
- (b) that an order has been made for the winding up of the insurer; or
- (c) that the insurer has failed to pay,
 - (i) an undisputed claim for sixty days after it has been admitted, or
 - (ii) a disputed claim after final judgment and tender of a valid discharge,

if the claim arose under a contract of insurance in respect of which the deposit is subject to administration.

52.—(1) Upon granting an order for administration the court shall appoint a receiver to administer the deposit. Receiver, appointment.

(2) Where a provisional liquidator or a liquidator has been appointed under this Act or *The Companies Act*, or a liquidator has been appointed under the *Winding-up Act* (Canada) to wind up a company that has made a deposit under this Act, the court may appoint the provisional liquidator or the liquidator as the receiver to administer the deposit. Provisional liquidator, appointment. Rev. Stat., c. 59, R.S.C. 1927, c. 213.

(3) Thereupon the provisional liquidator or the liquidator shall administer the deposit for the benefit of the insured persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act. Deposit, how to be administered.

53.—(1) Where a termination date has not been fixed by a provisional liquidator or a liquidator pursuant to section 315 of *The Companies Act*, forthwith after his appointment the receiver shall fix a termination date for the subsisting contracts of insurance of the insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date. Termination date.

(2) Where a receiver administering a reciprocal deposit held in another province for the benefit of the insured persons under Ontario contracts fixes a termination date for the subsisting contracts of insurance of the insurer, on and after that date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date. Termination of Ontario contracts on date fixed by receiver in another province.

(3) The termination date shall not be less than twenty and not more than forty-five days after the date upon which the receiver was appointed. When termination date to be fixed.

Notice of
termination
date.

(4) The receiver shall forthwith give notice in writing of the termination date to the Superintendent, and in the case of a reciprocal deposit, to the Superintendent of Insurance of each reciprocating province.

Publication
of notice.

(5) The receiver shall forthwith publish notice of the termination date in *The Ontario Gazette* and in the official *Gazette* of each reciprocating province and in such newspapers circulating in those provinces as the receiver in his opinion deems advisable in order to give reasonable notice of the termination date.

Notice to
insured
persons
under
Ontario con-
tracts.

54.—(1) The Superintendent, upon receiving notice of a termination date fixed by the receiver administering the deposit of an insurer, shall forthwith take such action as he may deem advisable in the interests of the insured persons under Ontario contracts to give notice of that date to them as soon as is reasonably possible.

List of
insured
persons.

(2) Without restricting the generality of subsection 1, the Superintendent may forthwith require each agent of the insurer in Ontario to forward to him a list showing the name and address of each person who has entered into a contract of insurance with the insurer of whom the agent has a record.

Notice to
persons
on list.

(3) On receipt of each list forwarded by an agent, the Superintendent may send by ordinary mail to each person whose name appears on the list a notice containing the following information:

- (a) The termination date fixed by the receiver.
- (b) The name and address of the receiver to whom particulars of claims for loss and claims for refund of unearned premiums should be submitted.
- (c) Such other information as the Superintendent deems advisable.

Publication
of contents
of notice.

(4) The Superintendent in his discretion may publish, broadcast or otherwise communicate or distribute the information contained in the notice, either generally or in any particular area or case, in such manner and by such means as he deems best suited to convey the information to the insured persons as soon as is reasonably possible having regard to all the circumstances.

Duty of
receiver
on appoint-
ment.

55. Forthwith after his appointment the receiver shall,

- (a) call either upon the insurer or its agent or liquidator to furnish a list of all insured persons who are entitled to share in the proceeds of the deposit; and

- (b) call upon all insured persons who are entitled to share in the proceeds of the deposit to file their claims if they have not already done so.

56. The court, by the order appointing a receiver or by any subsequent order, may authorize the receiver to exercise, in respect of the accounts of the insurer, all or any of the powers that the Master of the Supreme Court would have if he were taking an account of the claims against the deposit, and every receiver so authorized shall have those powers as well as all other powers enjoyed by a receiver appointed under an order of the court.

Powers of
Master of
Supreme
Court
exercisable
by receiver.

57.—(1) The receiver may apply to the court from time to time for an order authorizing him,

Application
by receiver
for order
for sale of
securities.

- (a) to sell or realize upon all or any portion of the securities comprised in the deposit of the insurer; and

- (b) to pay from the proceeds thereof the costs of the administration of the deposit including salaries of office staff, office expenses, the fee for the services of the receiver, fees and disbursements to adjusters and solicitors, and such other costs and expenses as the court deems proper.

(2) The court may require the receiver to give such notice of the application in such manner as the court may require.

Notice of
applica-
tion.

(3) After hearing the application, the court may make the order and may require the receiver to comply with such conditions as the court may direct.

Making of
order.

58. The proceeds of the deposit shall be payable,

Priorities
in payment
of proceeds
of deposit.

- (a) firstly, in payment of the receiver and of all costs and expenses incurred by him in the administration of the deposit and in payment of the remuneration, costs and expenses of the provisional liquidator as ordered by the Minister pursuant to subsection 3 of section 311 of *The Companies Act*;

Rev. Stat.,
c. 59.

- (b) secondly, in payment of the insured persons who are entitled to share in the proceeds of the deposit in accordance with the priorities set out in section 59.

59.—(1) Except in the case of life insurance, each insured person who claims in respect of a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act* shall be entitled to receive payment of his approved or settled

Priority
of loss
claims.

claim in full in priority to the insured persons who claim in respect of refunds of unearned premiums.

Priority
of unearned
premium
claims.

(2) Subject to subsection 1, an insured person who claims in respect of a refund of unearned premiums may claim such part of the premium paid as is proportionate to the period of his contract unexpired,

(a) at the termination date fixed by the receiver pursuant to section 53 or fixed by the provisional liquidator or the liquidator pursuant to section 315 of *The Companies Act*; or

Rev. Stat.,
c. 59.

(b) at the date the insured person cancelled the contract,

whichever is the earlier date.

Priority
of life
insurance
claims.

(3) In the case of life insurance, each insured person who has a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act* shall rank in the distribution of the proceeds of the deposit for the approved or settled amount of the claim *pari passu* with insured persons under unmatured life insurance contracts.

Claim under
unmatured
life policy.

(4) An insured person under an unmatured life insurance contract shall be entitled to the full amount of the legal reserve in respect of his contract determined by the receiver according to the valuation thereof approved by the Superintendent under this Act.

Action of
receiver
on receipt
of claims.

60.—(1) Where an insured person has filed a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act*, the receiver shall inquire into the claim and,

(a) may approve the claim if a final judgment has been obtained against the insurer in respect thereof; or

(b) may approve the claim if it has been adjusted or settled by the insurer or by the receiver at an amount that in his opinion the claimant is reasonably entitled to receive; or

(c) may refuse to approve the claim or the amount thereof.

Appeal from
receiver.

(2) An appeal shall lie from any decision of the receiver if taken within thirty days from the date on which the person appealing has received notice of the decision.

(3) The appeal shall be taken by service on the receiver and by the filing of a notice of motion returnable before a judge of the Supreme Court in chambers who may summarily determine the matter or may direct an issue to be tried or may make such other order as he deems proper. ^{Manner of appeal.}

61.—(1) The receiver shall prepare a list showing the names of the persons who appear by the books and records of the insurer or otherwise to be entitled to share in the proceeds of the deposit. ^{List of persons entitled to share in deposit.}

(2) The receiver shall prepare and attach to the list a schedule of approved claims for losses of persons whose names appear on the list showing in respect of each approved claim, ^{Schedule of approved claims for losses.}

- (a) the name and address of the claimant;
- (b) the particulars of the contract of insurance upon which the claim is based;
- (c) whether the claim was reduced to judgment or was adjusted or settled; and
- (d) the amount to which the claimant is entitled.

(3) The receiver shall prepare and attach to the list a schedule of unapproved claims for losses of persons whose names appear on the list showing in respect of each claim, ^{Schedule of unapproved claims for losses.}

- (a) the name and address of the claimant;
- (b) the particulars of the contract of insurance upon which the claim is based;
- (c) the amount for which the claim is made or the amount estimated by the receiver as the probable maximum amount that will be payable under the contract in respect of that loss.

(4) Except in the case of life insurance, the receiver shall prepare and attach to the list a schedule of unearned premiums refundable showing in respect of each person whose name appears on the list and who is entitled to a refund, ^{Schedule of unearned premiums.}

- (a) his name and address;
- (b) the particulars of the contract of insurance in respect of which the unearned premium is refundable;
- (c) the date on which the policy was terminated either

Rev. Stat.,
c. 59.

by the receiver pursuant to section 53 or by the provisional liquidator or the liquidator pursuant to section 315 of *The Companies Act*, or was cancelled by the insured person;

- (d) the amount of the unearned premium as calculated by the receiver in accordance with subsection 2 of section 59.

Schedule
of legal
reserves on
life policies.

(5) In the case of life insurance, the receiver shall prepare and attach to the list a schedule of contract legal reserves showing in respect of each person whose name appears on the list and who is entitled to claim for the legal reserve in respect of his contract,

- (a) his name and address;
- (b) the particulars of the contract of insurance in respect of which the legal reserve is payable;
- (c) the amount of the legal reserve calculated by the receiver pursuant to subsection 4 of section 59.

Application
for order
for payment
on account
of claims.

62.—(1) Upon completion of the schedules and after having paid or provided reasonable reserves out of the deposit to pay the amounts payable pursuant to clause *a* of section 58, the receiver may apply to the court for an order authorizing the payment of such aggregate sum as may be fixed by the court on account of the amounts payable pursuant to clause *b* of section 58.

Provision
for payment
of claims.

(2) Except in the case of life insurance, the receiver shall divide the sum mentioned in subsection 1 so as to provide for payment of the claims for losses in full or, if the sum is inadequate, *pro rata* on account of,

- (a) the approved claims for losses set out in the schedule of approved claims for losses; and
- (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses,

and shall distribute the portion referred to in clause *a* at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause *b* for distribution from time to time as the unapproved claims are approved.

Payment of
unearned
premiums.

(3) Except in the case of life insurance, if there appears to be a surplus remaining after the receiver has paid or retained a sum that, in his opinion, is reasonably adequate to

pay in full all claims for losses referred to in subsection 2, the receiver shall divide the surplus so as to provide for payment of all unearned premiums in full or, if it is inadequate, among the persons entitled to a refund of unearned premiums in proportion to the amounts payable as set out in the schedule of unearned premiums refundable.

(4) In the case of life insurance, the receiver shall divide the sum fixed pursuant to subsection 1 so as to provide for payment of the following amounts in full or, if the sum is inadequate, *pro rata* on account of, Payment of claims in case of life insurance.

- (a) the approved claims for losses set out in the schedule of approved claims for losses;
- (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses;
- (c) the full amount of the legal reserve in respect of each matured life insurance contract as set out in the schedule of contract legal reserves,

and shall distribute the portions referred to in clauses *a* and *c* at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause *b* for distribution from time to time as the unapproved claims are approved.

63. If a claim in respect of a loss that occurred before the termination date is filed after the receiver has applied to the court under subsection 1 of section 62, and before the final order of the court discharging the receiver, the claimant shall be entitled to share in the distribution of the moneys remaining in the hands of the receiver upon proof of his claim and upon such terms and conditions as the court may direct. Payment of delayed claims.

64. The receiver administering a deposit may apply to the court at any time on summary application for directions or advice pertaining to any matter arising in the administration of the deposit. Application to court for direction.

65. Upon the completion of the distribution of the proceeds of the deposit, the receiver shall submit his final accounts to the court and the court, on the passing thereof, may make an order approving the accounts and discharging the receiver. Submission by receiver of final accounts.

66. If a claim is made after the completion of the distribution of the proceeds of the deposit and the discharge of the receiver, or if there is a claim against the insurer by an insured person not fully paid by the distribution of the proceeds of the deposit, the claimant is not barred from any recourse he Claims remaining unpaid after distribution of deposit.

may have against the insurer, and his claim shall be a first lien or charge on the assets of the insurer in winding up as provided in subsection 2 of section 313 of *The Companies Act*.

Rev. Stat.,
c. 59.

Certain
persons
not entitled
to share in
proceeds of
deposit.

66a. A person who holds security for his claim under a contract of insurance, or who is entitled to share in the administration of a fund deposited with the government of any other province for the protection of persons resident in that province, shall only be entitled to share in the administration of the Ontario deposit if he abandons such special security and releases his claim upon any other government deposit.

RECIPROCAL DEPOSITS

Interpreta-
tion.

67.—(1) In sections 68 and 69, the expression "contracts" shall in relation to any other province of Canada have the meaning assigned to it by the Act of that province under which insurers are licensed to carry on the business of insurance.

Application
of ss. 68, 69.

(2) This section and sections 68 and 69 shall be applicable notwithstanding that the insurer is or may become licensed in one province for classes of insurance different from those for which it is or may become licensed in another province.

Idem.

(3) The provisions of sections 68 and 69 shall prevail over any other provisions of this Act to the extent that they are inconsistent with such other provisions.

Reciprocal
deposits.

68.—(1) Where an insurer has its head office for Canada in Ontario and makes a deposit under this Act for the purposes of this section by virtue whereof the insurer will not be required to make a deposit in another province in which it is or may become licensed to undertake insurance, the following provisions shall have effect:

Order pre-
scribing
amount of
deposit and
reciprocating
provinces.

(a) The amount of the deposit to be made and maintained by the insurer shall be fixed by order of the Lieutenant-Governor in Council and the order shall declare what provinces are reciprocating provinces with respect to that insurer's deposit.

Deposit as
security for
contracts.

(b) The deposit shall be held and administered as security *pari passu* for the Ontario contracts of the insurer and for its contracts in any reciprocating province.

Certificate
of Superin-
tendent as
to deposit.

(c) The Minister shall, upon the request of the official who issues or proposes to issue a licence to the insurer in another province, certify under his hand that the deposit is held in the manner provided by clause b,

and the Superintendent shall forward the certificate to that official and a copy to the Superintendent of Insurance in each province.

- (d) Where, with respect to the outstanding contracts of the insurer, it appears to the Superintendent from the annual statement under section 74 or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary, or where it appears to the Superintendent of Insurance for another province in which the insurer is licensed from any annual report made to him by the insurer or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary and such Superintendent requests the Superintendent to obtain a further deposit, the insurer shall forthwith deposit such further sum as the Lieutenant-Governor in Council may fix. Further deposit.
- (e) If the insurer obtains a Dominion licence extending to this or another province and as a Dominion licensee makes a deposit under the Dominion Act, the Minister may, on the request of the insurer, authorize the Treasurer of Ontario to deliver to the insurer or to transfer to the Minister of Finance for Canada all or any part of such deposit as the Minister thinks fit having regard to the extent of the Dominion licence, and the Superintendent shall forthwith give notice of the delivery or transfer to the Superintendent of Insurance of each reciprocating province. Transfer of deposit to Minister of Finance for Canada.
- (f) Where the licence of the insurer is suspended or cancelled under this Act, the Superintendent shall forthwith give notice to the Superintendent of Insurance in each province. Notice of suspension or cancellation of licence.
- (g) Where the insurer ceases to carry on insurance business in Canada and its deposit may be withdrawn under this Act, the Superintendent shall notify the Superintendent of Insurance in each province, and all claims and liabilities arising in any such province shall be verified by the Superintendent of Insurance of that province and a statement thereof communicated to the Superintendent. Cessation of business in Canada and notice thereof to Superintendent.
- (h) Where the insurer ceases to transact business in or its licence is suspended or cancelled in a reciprocating province and notice thereof is given to the Superintendent, the Minister and the Superintendent, upon the request of the Superintendent in the reciprocating Cessation of business in reciprocating province.

province, may take any action that could be taken if the insurer ceased to transact business in or its licence was suspended or cancelled in Ontario.

Change of location of head office and transfer of deposit.

(2) The insurer shall not change the location of its head office to another province without the consent of the Minister, but where the Minister so consents, he may authorize the Superintendent to transfer the insurer's deposit to the Minister responsible for the deposit in that province or to the insurer, as the Minister in that province requests, and the Superintendent shall forthwith give notice of any change or transfer to the Superintendent of Insurance of each reciprocating province.

Exemption of insurer with head office for Canada in another province.

69.—(1) Where an insurer has its head office for Canada in another province and there makes a deposit of such amount as may be fixed by the proper authority in that province and under the laws of that province the deposit is held as security *pari passu* for its Ontario contracts and its contracts in every reciprocating province, the Minister, upon receipt of a certified copy of an order of the Lieutenant-Governor in Council of the province in which the deposit is made fixing the amount of the deposit and declaring that Ontario is a reciprocating province with respect to that insurer's deposit, and upon receipt of the consent of the insurer to its deposit being so held, shall exempt the insurer from the provisions of this Act requiring it to make and maintain a deposit.

Notice of ceasing to transact business.

(2) Where the insurer ceases to transact business in or its licence is suspended or cancelled in Ontario, the Superintendent shall forthwith give notice thereof to the Superintendent of Insurance of the province in which the reciprocal deposit is held and to the Superintendent of Insurance of each other reciprocating province.

Notice to insured persons under Ontario contracts.

(3) Where an order is made for the administration of a reciprocal deposit held in another province pursuant to subsection 1, the Superintendent, as soon as is reasonably possible after receipt of notice of the termination date fixed by the receiver, shall proceed pursuant to section 54 to give the notice required by that section to the insured persons under the Ontario contracts.

Transfer of deposit.

(4) Where a licensed insurer is exempted under this section, the Minister shall transfer its deposit under this Act to the Minister responsible for the deposit in the province in which the insurer has its head office or to the insurer, as that Minister requests.

Agreement to use securities to reinsure.

69a. At any time before the granting of an order for the administration of a reciprocal deposit, the Superintendent of

Insurance of each reciprocating province may enter into an agreement to use all or any part of the securities deposited for the purpose of reinsuring all or any part of the risks of the insurer outstanding in all or any of those provinces.

70.—(1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 67 to 69, direct by Order in Council that those sections shall apply to that province.

Application of ss. 67-69 to other provinces.

(2) A copy of every Order in Council under this section shall be sent to the Superintendent of Insurance in each province.

Copy of order to Superintendent of Insurance.

71.—(1) Where a licensed insurer, hereinafter called the continuing insurer, has, by purchase or otherwise, acquired the assets and assumed the liabilities within Ontario of another licensed insurer, hereinafter called the discontinuing insurer, or reinsured all the contracts of a discontinuing insurer outstanding within Ontario, the Lieutenant-Governor in Council may, upon the application of the continuing insurer, and upon the report of the Superintendent, direct the transfer of the deposit held by the Minister under this Act in the name of the discontinuing insurer to the continuing insurer.

Transfer of deposit from discontinuing insurer to continuing insurer.

(2) In any such case the deposit so transferred shall thereafter be treated and dealt with under this Act in the same manner as though it had been originally deposited by the continuing insurer.

Effect of transfer.

6. Section 170 of *The Insurance Act* is amended by striking out the words "disentitling him" in the sixth line and inserting in lieu thereof the words "which would disentitle him, by the law of England on the 1st day of January, 1951", so that the section shall read as follows:

Rev. Stat., c. 183, s. 170, amended.

170. Where the wife or husband of the person whose life is insured is designated as beneficiary, and it appears, in the case of the wife, that she is living apart from her husband in circumstances disentitling her to alimony, or in the case of the husband, that he is living apart from his wife in circumstances which would disentitle him, by the law of England on the 1st day of January, 1951, to an order for restitution of conjugal rights, and that there is no other member of the class of preferred beneficiaries whom the insured may designate as beneficiary in place of the designated beneficiary, the court may, on the application of the insured, and on such terms as may seem fit, declare the designated beneficiary disentitled to

Circumstances disentitling wife or husband as beneficiary.

claim the benefit of the provisions of this Part relating to preferred beneficiaries, and the insured may then deal with the policy as provided by section 161.

Rev. Stat., c. 183, s. 192, cl. g, re-enacted. **7.** Clause g of section 192 of *The Insurance Act* is repealed and the following substituted therefor:

- (g) "owner's policy" means a motor vehicle liability policy insuring a person named therein in respect of the ownership, operation or use of an automobile owned by him and specifically described in the policy and in respect of the ownership, operation or use of any other automobile which may be within the definition thereof appearing in the policy.

Rev. Stat., c. 183, s. 194, subs. 3, cls. b-e, re-enacted; cl. f, repealed. **8.—(1)** Clauses b to f of subsection 3 of section 194 of *The Insurance Act* are repealed and the following substituted therefor:

- (b) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (c) whether any insurer has cancelled any policy of automobile insurance of the applicant or refused automobile insurance to him;
- (d) whether any licence, permit, registration certificate or other like authority, issued to the applicant under a law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (e) such further information as the insurer may require or the Superintendent may prescribe.

Rev. Stat., c. 183, s. 194, subs. 4, re-enacted. **(2)** Subsection 4 of the said section 194 is repealed and the following substituted therefor:

Application in other cases.

- (4)** Every other written application shall set forth,

- (a) the name, address and occupation or business of the applicant;
- (b) the description of the automobile to be insured as the described automobile;

- (c) the purchase price to the applicant of the automobile so described;
- (d) whether purchased new or otherwise;
- (e) particulars of any mortgage, lien or encumbrance thereon;
- (f) the place where it is and will usually be kept;
- (g) the locality in which and the purpose for which it is and will be chiefly used;
- (h) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (i) whether any insurer has cancelled any policy of automobile insurance of the applicant, or refused automobile insurance to him;
- (j) whether any licence, permit, registration certificate or other like authority, issued to the applicant or member of his family and household under any law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (k) such further information as the insurer may require or the Superintendent may prescribe.

9.—(1) Section 197 of *The Insurance Act* is amended by Rev. Stat.,
inserting under the heading "Statutory Conditions" the c. 183, s. 197,
following: amended.

In these statutory conditions, unless the context otherwise requires, the word "insured" means a person insured by the policy whether named or not.

(2) Statutory condition 3 in the said section 197 is amended by striking out clause *a* and by relettering clauses *b* and *c* as clauses *a* and *b* respectively, so that the statutory condition shall read as follows: Rev. Stat.,
c. 183, s. 197,
stat. con. 3,
amended.

**Uses Prohibited
Without
Permission**

3. Unless permission is expressly given by an endorsement of the policy and in consideration of an additional stated premium, the automobile shall not be rented or leased nor shall it be used:

Explosives

(a) to carry explosives; or

**Taxicab
or Bus**

(b) as a taxicab, public omnibus, livery, jitney, or sight-seeing conveyance or for carrying passengers for compensation or hire.

Rev. Stat., c. 183, s. 197, stat. con. 4, re-enacted. (3) Statutory condition 4 in the said section 197 is repealed and the following substituted therefor:

Trailers

4. In the case of indemnity afforded by motor vehicle liability policies, the automobile shall not be used for the towing of a trailer owned or hired by the insured that is not covered by like indemnity by the insurer; nor shall a trailer so covered by the policy be towed by an automobile owned or hired by the insured that is not covered by like indemnity by the insurer.

Liability in War

4a. In cases other than motor vehicle liability policies, the insurer shall not be liable for loss or damage that is caused directly or indirectly by bombardment, invasion, civil war, insurrection, rebellion, revolution, military or usurped power, or by operations of armed forces while engaged in hostilities, whether war be declared or not, or by civil commotion arising from any of the foregoing, unless the policy or an endorsement thereon expressly provides otherwise.

Rev. Stat., c. 183, s. 197, stat. con. 5, par. 1, amended. (4) Paragraph 1 of statutory condition 5 in the said section 197 is amended by striking out the words "an automobile described in the policy" in the seventh and eighth lines and inserting in lieu thereof the words "the automobile", so that the paragraph shall read as follows:

Loss or Damage to Persons or Property

Insured to Give Notice of Accident and Claim

(1) The insured shall promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property, and of any claim made on account of accident; shall verify by affidavit or statutory declaration, if required by the insurer, that the claim arises out of the operation or use of the automobile and that the person operating or responsible for the operation of the automobile at the time of the accident is a person insured by the policy; and shall forward immediately to the insurer every writ, letter, document or advice received by him from or on behalf of the claimant.

Rev. Stat., c. 183, s. 197, stat. con. 6, par. 1, amended. (5) Paragraph 1 of statutory condition 6 in the said section 197 is amended by striking out the first three lines and inserting in lieu thereof the following:

Loss or Damage to the Automobile

(1) Upon the occurrence of loss of or damage to the automobile, the insured shall, if the loss or damage is covered by this policy:

Rev. Stat., c. 183, s. 197, stat. con. 9, repealed. (6) Statutory condition 9 in the said section 197 is repealed.

Rev. Stat., c. 183, s. 197, stat. cons. 10-13, re-numbered. (7) Statutory conditions 10, 11, 12 and 13 in the said section 197 are renumbered as statutory conditions 9, 10, 11 and 12 respectively.

Rev. Stat., c. 183, s. 200, subs. 1, re-enacted. **10.** Subsection 1 of section 200 of *The Insurance Act* is repealed and the following substituted therefor:

Misrepresentation or violation of conditions renders claim invalid.

(1) Where an applicant for a contract gives false particulars of the described automobile to be insured, to the prejudice of the insurer, or knowingly misrepresents or fails to disclose in the application any

fact required to be stated therein or where the insured violates a term or condition of the policy or commits a fraud, or makes a wilfully false statement with respect to a claim under the policy, a claim by the insured shall be invalid and the right of the insured to recover indemnity shall be forfeited.

11. Section 207 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 183, s. 207,
re-enacted.

207.—(1) Every owner's policy shall insure the person named therein and every other person who with his consent personally drives any automobile specifically described in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage, Coverage
of owner's
policy,
specific
automobile.

(a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and

(b) resulting from,

(i) bodily injury to or death of any person, or

(ii) damage to property, or

(iii) both.

(2) Nothing in subsection 1 shall preclude coverage being provided in an owner's policy to the person named therein and such other persons as may be specified therein who with his consent personally drive any other automobile within the definition thereof appearing in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage, Idem, other
automobiles.

(a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and

(b) resulting from,

(i) bodily injury to or death of any person,
or

(ii) damage to property, or

(iii) both.

Rights of
unnamed
insured.

- (3) Any person insured by but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rev. Stat.,
c. 183, s. 208,
cl. a,
amended.

12. Clause *a* of section 208 of *The Insurance Act* is amended by striking out the words "Canada or the United States of America" in the fifth and sixth lines and inserting in lieu thereof the words "Canada, the continental United States of America or Alaska", so that the clause shall read as follows:

- (a) arising from the operation or use by him of any automobile, other than an automobile owned by or registered in the name of such insured, while he is personally in control as driver or occupant of such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports within those countries; and

.

Rev. Stat.,
c. 183, s. 209,
amended.

13. Section 209 of *The Insurance Act* is amended by adding thereto the following subsections:

Where more
than one
policy.

- (2) Where a person is insured under more than one motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under clause *b* of subsection 1 between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its policy, the insured or any insurer may apply to the Supreme Court and the court shall give such directions as may appear proper with respect to the performance of the obligation.

Hearing.

- (3) On an application under subsection 2, the only parties entitled to notice thereof and to be heard thereon shall be the insured and his insurers and no material or evidence used or taken upon such an application shall be admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use of the automobile in respect of which the insurance is provided.

- (4) An order under subsection 2 shall not affect the Order. rights and obligations of the insurers with respect to payment of any indemnity under their respective policies.

- (5) Where the insured has indemnity under two or more policies and one or more is or are excess insurance by virtue of section 212b, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursement provided for in subsection 1 in accordance with their respective liabilities for damages against the insured. ^{Contribution.}

14. Section 210 of *The Insurance Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 183, s. 210, re-enacted.}

210. Subject to section 212a, the insurer shall not be liable under an owner's policy or a driver's policy, ^{Exceptions from liability.}

(a) for any liability imposed by any workmen's compensation law upon the insured; or

(b) for loss or damage resulting from bodily injury to or the death of,

(i) the son, daughter, wife, husband, mother, father, brother or sister of the insured while being carried in or upon or entering or getting on to or alighting from the automobile, or

(ii) the insured,

or, unless the coverage is expressly extended under section 212,

(c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile; or

(d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or

(e) for loss of or damage to property carried in or upon the automobile or to any property

owned or rented by, or in the care, custody or control of the insured; or

- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

Rev. Stat.,
c. 183, s. 212,
re-enacted.

15. Section 212 of *The Insurance Act* is repealed and the following substituted therefor:

Extended
coverage.

212.—(1) The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in the case of an owner's policy or driver's policy in whole or in part in any or all of the following respects, namely, the matters mentioned in clauses *c*, *e* and *f* of subsection 1 of section 210.

Idem.

(2) The insurer may, by an endorsement on the policy or by provision in the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in the case of an owner's policy or driver's policy in respect to the matter mentioned in clause *d* of subsection 1 of section 210.

Idem.

(3) The insurer may, in the case of an owner's policy, extend the coverage in whole or in part in respect of the operation or use of automobiles not owned by or registered in the name of the insured.

Idem.

(4) The insurer may, in the case of an owner's policy or a driver's policy, extend the coverage to such other matters as the Superintendent may approve.

Approval of
Superinten-
dent.

(5) No insurer shall extend the coverage under subsection 3 or 4 without the approval of the Superintendent as to the form of the extended coverage, the method of providing therefor and as to the necessity or otherwise of an additional stated premium for the coverage.

Extended
coverage.

212a.—(1) An insurer issuing an owner's policy or a driver's policy may, in consideration of an additional stated premium, in addition to the other insuring agreements therein, agree to pay for each person who sustains bodily injury caused by an accident while driving, being carried in or upon, or entering or getting on to, or alighting from, the automobile

specifically described in the policy or within the definition thereof appearing in the policy, within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof, if the automobile is being used by the insured named in the policy or with his consent, all reasonable expenses incurred, within one year from the date of the accident as a result of the injury, for necessary medical, surgical, dental, ambulance, hospital, professional nursing and funeral services.

- (2) No insurer shall give the insurance under subsection 1 without the approval of the Superintendent as to the terms and conditions thereof. Approval of Superintendent.

212b.—(1) Subject to subsection 2, if the insured named in a policy has or places any additional or other valid insurance of his interest in the subject matter of the contract, or any part thereof, the insurer shall be liable only for its rateable proportion of any loss or damage. Where other valid insurance.

- (2) Where a valid motor vehicle liability policy insures a person named therein and that person is also insured under another valid motor vehicle liability policy as an unnamed insured, the first-mentioned policy shall be a first loss insurance and the second mentioned policy shall be excess insurance only. Where more than one motor vehicle liability policy.

- (3) A copy of subsections 1 and 2 shall be printed or stamped in conspicuous type not less in size than 10-point upon every automobile insurance policy and those subsections shall constitute terms of the contract between the insurer and the insured and subsection 2 shall operate as between insurers. Subss. 1, 2, to be printed on policy.

16. Section 213 of *The Insurance Act* is amended by striking out the figures "212" in the first line and inserting in lieu thereof the figures and letter "212b", so that the section shall read as follows: Rev. Stat., c. 183, s. 213, amended.

213. Where any provision of sections 207 to 212b is inapplicable by reason of the requirements of any Act or, in the opinion of the Superintendent, unsuitable to any special form of contract, he may approve a form of motor vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured and in that case those sections shall not apply. Policy in special cases.

Rev. Stat.,
c. 183, s. 214,
subss. 5, 6,
re-enacted. **17.**—(1) Subsections 5 and 6 of section 214 of *The Insurance Act* are repealed and the following substituted therefor:

Contribution
among
insurers.

- (5) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims referred to in subsection 1 to be made parties to the action and to contribute according to their respective liabilities, whether this be rateably or by way of first loss or excess insurance as the case may be, and the insured shall, on demand, furnish the insurer with particulars of all other insurance covering the subject matter of the contract.

Defence
where
excess or
extended
coverage.

- (6) Subject to subsection 7, where a policy provides, or if more than one policy, the policies provide for coverage in excess of the limits mentioned in section 211 or for extended coverage in pursuance of subsections 1, 2 and 4 of section 212, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent any insurer from availing itself, as against a claimant, of any defence that the insurer is entitled to set up against the insured.

Rev. Stat.,
c. 183, s. 214,
amended.

- (2) The said section 214 is further amended by adding thereto the following subsection:

Idem.

- (10) An insurer shall be entitled to avail itself of subsection 9 notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party.

Rev. Stat.,
c. 183, s. 218,
amended.

- 18.** Section 218 of *The Insurance Act* is amended by adding thereto the following subsection:

Extended
coverage.

- (4a) This Part shall not apply to insurance provided under section 212a.

Rev. Stat.,
c. 183, s. 290,
subs. 8,
amended.

- 19.**—(1) Subsection 8 of section 290 of *The Insurance Act* is amended by inserting after the word "section" in the first line the words "or section 290a", so that the subsection, exclusive of the clauses, shall read as follows:

Revocation.

- (8) A licence issued under this section or section 290a may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of such licence,

.

(2) Subsection 9 of the said section 290 is amended by inserting after the word "licence" in third line the words "under this section and section 290a", so that the first five lines of the subsection shall read as follows: Rev. Stat., c. 183, s. 290, subs. 9, amended.

(9) In determining the granting or refusal of an application for a licence or renewal of licence, or the revocation of any existing licence, under this section and section 290a, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of, Advisory board to hold hearing and report.

(3) Subsection 19 of the said section 290 is repealed and the following substituted therefor: Rev. Stat., c. 183, s. 290 subs. 19, re-enacted.

(19) Unless the Superintendent otherwise directs, an officer, or salaried employee of a licensed insurer who does not receive commissions, or an attorney or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney may, without a licence, act for such insurer or exchange in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer or exchange may lawfully undertake, provided that officers or employees whose applications for licences as insurance agents or salesmen have been refused or whose licences have been revoked or suspended may not so act without the written approval of the Superintendent, and provided further in the cases of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a licence. Salaried officials, etc., acting without licence.

20. The Insurance Act is amended by adding thereto the following section: Rev. Stat., c. 183, amended.

LICENCES OF INSURANCE SALESMEN

290a.—(1) The Superintendent may issue to any person who has complied with the requirements of this Act a licence authorizing such person to act as a salesman on behalf of a licensed insurance agent or broker in negotiating contracts of insurance or in the negotiation of the continuance or renewal of any contracts such agent or broker may lawfully undertake. Licenses of salesman.

Type of
insurance
covered.

- (2) Licences so issued shall be for any classes of insurance other than life insurance.

Issue of
licence.

- (3) Upon written notice to the Superintendent that a licensed agent or broker has appointed a person as a salesman to act on his behalf, and upon due application of such person and payment by him of a fee of \$10, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a licence, and has not been refused a licence as an insurance agent or broker, or had such licence suspended or revoked, issue to the applicant a licence which shall state in substance that the holder is, during the term of the licence, authorized to act within Ontario as a salesman of such agent or broker.

Form of
notice of
appointment.

- (4) Such notice of appointment by a licensed agent or broker other than a life insurance agent shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the agent or broker to act as a salesman in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent which shall give his name, age, residence, the amount of monthly salary he is to receive for such employment, his present occupation and occupation for the five years next preceding the date of notice, particulars of any other employment in which he may be engaged, and such other information as the Superintendent may require.

Licence to
exclude life
insurance.

- (5) The licence shall expressly exclude the business of life insurance, but nothing herein shall prevent the issuance to the same applicant of a licence as a life insurance agent, if due application is made upon written notice of appointment by a licensed insurer.

Notice of
termination
of employment.

- (6) Where a licensed salesman ceases to be employed by the appointing agent or broker, notice in writing shall forthwith be given by the agent or broker to the Superintendent of such termination of employment with the reason therefor, and thereupon the licence shall be *ipso facto* suspended but such licence may be revived subject to the approval of the Superintendent upon filing a notice of the salesman's appointment by another agent or broker, and upon payment of a fee of \$1.

- (7) An agent or broker who fails to notify the Superintendent within thirty days of the termination of a salesman's appointment as required by subsection 6 shall be guilty of an offence. Failure to give notice.

- (8) A licence issued under this section shall expire on the 30th day of September next after its issue unless automatically suspended by notice pursuant to subsection 6 or unless revoked or suspended by the Superintendent; but such licence may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of a licensed agent or broker respecting the salesman's appointment, and payment of a fee of \$10, without requiring anew the detailed information hereinbefore specified. Term and renewal of licence.

- (9) The holder of a licence issued under this section may, during the term and validity of his licence, act as salesman only for the agent or broker by whom he is appointed and within the limits of such agent's or broker's licence for classes of insurance other than life insurance. Who salesman may act for.

- (10) Every person who assumes to act as a salesman of an insurance agent or broker without the licence required by this section, or while his licence as such is suspended, shall be guilty of an offence. Offence.

21. Subsection 4 of section 300 of *The Insurance Act* is amended by striking out the words "act only in the name and" in the sixth line and inserting in lieu thereof the words "perform office duties only", so that the subsection shall read as follows: Rev. Stat., c. 183, s. 300, subs. 4, amended.

- (4) The licence shall specify the officers who may act thereunder in the name and on behalf of the corporation and every such officer shall file a statement or application and pay the fee required by this Act for individual agents, brokers or adjusters provided that employees who do not receive commissions and who perform office duties only on behalf of the corporation may so act by authority of the corporation licence although not named therein. Officers who may act under licence.

22. Item 5 of Schedule A of *The Insurance Act* is amended by striking out the figures "50" in the second line and inserting in lieu thereof the figures "71", so that the item shall read as follows: Rev. Stat., c. 183, Sched. A, item 5, amended.

5. Order in Council withdrawing or transferring
deposit (sections 45 and 71)..... 25.00

Commence-
ment.

23. Sections 2, 4, 5 and 7 to 18 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short
title.

24. This Act may be cited as *The Insurance Amendment Act, 1951*.

BILL

An Act to amend
The Insurance Act

1st Reading

March 30th, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

No. 155

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Companies Act

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The provisions dealing with the liquidation and winding up of insurance companies are at present set out in sections 307 to 314 in *The Companies Act*. These provisions were found to be inadequate in the liquidation and winding up of an insurance company, as a result of which the Superintendents of Insurance of the provinces set up a committee to report as to amending legislation in the several provinces. The provisions are therefore revised in accordance with the submissions of the committee. It is expected the changes will be made in the other provinces thus making the law in this respect uniform across Canada. The Bill is to be brought into force by proclamation so that a convenient common date may be chosen.

BILL

An Act to amend The Companies Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 307 to 314 inclusive of *The Companies Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 59, ss. 307
to 314,
re-enacted.

Liquidation and Winding Up

307. In sections 308 to 317 inclusive, unless the context otherwise requires,

Interpre-
tation.

1. "court" means Supreme Court of Ontario;
2. "deposit" means the deposit required under section 41 of *The Insurance Act*;
3. "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
 - (a) every person insured by a contract whether named or not;
 - (b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and
 - (c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214 of *The Insurance Act*;
4. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
5. "Minister" means that member of the Executive Council charged for the time being by the Lieutenant-Governor in Council with the administration of *The Insurance Act*;

Rev. Stat.,
c. 183.

6. "Ontario contract" means a subsisting contract of insurance that,

(a) has for its subject,

(i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or

(ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in, or has its head office in Ontario; or

(b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

Rev. Stat.,
c. 183.

7. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69 of *The Insurance Act*;

8. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 of *The Insurance Act*, with respect to the deposit of a particular insurer.

Application
of Part XIV.

308.—(1) The provisions of Part XIV relating to the winding up of companies shall apply to insurers incorporated under or subject to this Act except where inconsistent with this Part.

Interpre-
tation.

(2) Where the company, corporation or society is not constituted exclusively or chiefly for insurance purposes and the insurance branch and fund are completely severable from every other branch and fund of the company, corporation or society, the word "insurer" for the purposes of the following sections means only the insurance branch of the company, corporation or society.

Winding up
by order of
court on
application
of Superin-
tendent.

309.—(1) An insurer incorporated in Ontario may also be wound up by order of the court on the application of the Superintendent if the court is satisfied that,

(a) the insurer has failed to exercise its corporate powers during any continuous period of four years; or

(b) the insurer has not commenced business or gone into actual operation within four years after it was incorporated; or

(c) the insurer has discontinued business for one year after it has undertaken insurance contracts within the meaning of *The Insurance Act*; or

(d) the insurer's licence has been suspended for one year or more; or

(e) the insurer has carried on business or entered into a contract or used its funds in a manner or for a purpose prohibited or not authorized by *The Insurance Act* Rev. Stat., c. 183. or by its Act of incorporation or by any special Act applicable thereto; or

(f) other sufficient cause has been shown.

(2) No such application shall be made by the Superintendent without the approval of the Lieutenant-Governor in Council. Approval of Lieutenant-Governor in Council.

(3) Upon the making of an order under this section, the provisions of Part XIV relating to winding up of a company, in so far as they are not inconsistent with this Part, shall apply. Application of Part XIV.

310.—(1) In the case of an insurer incorporated in Ontario, Provisional liquidator, appointment.

(a) if its licence expires and,

(i) the insurer fails to renew within the period limited by *The Insurance Act*; or

(ii) a renewal is refused; or

(b) if its licence is cancelled,

the Minister may appoint a provisional liquidator who shall take charge of the affairs of the company and may direct that it be wound up forthwith under this Act.

(2) Until a permanent liquidator is appointed, the provisional liquidator shall exercise all the powers of the insurer and none of the officers or servants of the insurer shall make any contract for, incur any liability on behalf of, or expend any moneys of, the insurer without the approval of the provisional liquidator. Powers of provisional liquidator.

(3) The provisional liquidator shall petition the court for a winding up order, and if the court is of the opinion that it is just and equitable so to do, it may make an order winding up the company and thereupon the provisions of this Act relating to the winding up of a company, in so far as they are not inconsistent with this Part, shall apply. Petition by provisional liquidator for winding up order.

Sale of
business.

(4) The provisional liquidator or the liquidator, notwithstanding this Act, but subject to the approval of the court, may sell the business and undertaking of the company as a going concern.

Remunera-
tion of
provisional
liquidator.

311.—(1) The remuneration to be paid to a provisional liquidator appointed under subsection 1 of section 310 shall be fixed by the Minister.

Payment of
costs of
provisional
liquidator.

(2) The remuneration and all expenses and outlay in connection with the appointment of the provisional liquidator, together with all expenses and outlay of the provisional liquidator while he acts in that capacity, shall be borne and paid by the insurer and shall form a first lien or charge upon the assets of the insurer other than the deposit unless otherwise directed pursuant to subsection 3.

Payment of
cost of
provisional
liquidator
out of
deposit.

(3) The Minister in his discretion may direct that the remuneration, expenses and outlay shall be paid out of the proceeds of the deposit made by the insurer, and in that case the amount directed to be paid shall have the same priority as the expenses of the receiver administering the deposit as fixed by clause *a* of section 58 of *The Insurance Act*.

Rev. Stat.,
c. 183.

Notice of
intention
to cease
writing
insurance or
to consider
voluntary
liquidation.

312.—(1) When an insurer incorporated under or subject to the laws of Ontario proposes to cease writing insurance or to call a general meeting to consider a resolution for the voluntary liquidation of the insurer under this Act, it shall give at least one month's notice in writing thereof to the Superintendent of Insurance of each province in which the insurer is licensed.

Notice to
Superinten-
dent of
voluntary
winding up.

(2) When an insurer has passed a resolution for voluntary winding up, the insurer shall notify the Superintendent thereof and of the date on which contracts of insurance will cease to be entered into by the insurer and of the name and address of its liquidator.

Publication
of notice.

(3) The notice under subsection 2 shall also be published by the insurer in two consecutive issues of *The Ontario Gazette* and the official *Gazette* of each other province in which the insurer is licensed and in such newspapers and other publications as the Superintendent may require.

Reinsurance.

313.—(1) The provisional liquidator or the liquidator, before any order granting administration of the deposit and before the fixing of a termination date pursuant to section 315, may arrange for the reinsurance of the subsisting contracts of insurance of the insurer with some other insurer licensed in Ontario.

(2) For the purpose of securing the reinsurance, the following funds shall be available: Funds available for reinsurance.

(a) the entire assets of the insurer in Ontario other than the deposit except the amount reasonably estimated by the provisional liquidator or the liquidator as being required to pay,

(i) the costs of the liquidation or winding up,

(ii) all claims for losses covered by the insurer's contracts of insurance of which notice has been received by the insurer or provisional liquidator or liquidator before the date on which the reinsurance is effected,

(iii) the claims of the preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act,

all of which shall be a first charge on the assets of the insurer other than the deposit;

(b) all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3.

(3) If it appears necessary or desirable to secure reinsurance for the protection of insured persons entitled to share in the proceeds of the deposit, the Minister, on the recommendation of the Superintendent, or in the case of a reciprocal deposit the Superintendents of Insurance of each of the reciprocating provinces, may enter into an agreement with the provisional liquidator or the liquidator, whereby, pursuant to section 47 or 69a of *The Insurance Act*, all or any part of the securities in the deposit may be used for the purpose of securing the reinsurance. Agreement for use of deposit for reinsurance. Rev. Stat., c. 183.

(4) The creditors of the insurer, other than the insured persons and the said preferred creditors, shall be entitled to receive a payment on their claims only if provision has been made for the payments mentioned in subsection 2 and for the reinsurance. Payments to creditors other than preferred creditors.

(5) If, after providing for the payments mentioned in subsection 2, the balance of the assets of the insurer, together with all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3, is insufficient to secure the reinsurance of the contracts of the insured persons in full, the reinsurance may be effected for such portion of the full amount of the contracts as may be possible. Reinsurance of part of contracts.

Approval
by court.

(6) No contract of reinsurance shall be entered into pursuant to this section until it is approved by the court.

Transfer of
deposit from
receiver to
provisional
liquidator or
liquidator.

Rev. Stat.,
c. 183.

R.S.C.,
c. 213.

314.—(1) In the winding up of an insurer that has made a deposit pursuant to *The Insurance Act*, if the person appointed as receiver to administer the deposit pursuant to section 52 of *The Insurance Act* is not the person appointed as the provisional liquidator or the liquidator under *The Insurance Act* or this Act or appointed as the liquidator under the *Winding-up Act* (Canada), as the case may be, the court at any time in its discretion may order that the deposit and the administration thereof be transferred from the receiver to the provisional liquidator or the liquidator.

Administra-
tion of
deposit.

(2) Upon the making of an order pursuant to subsection 1, the provisional liquidator or the liquidator shall administer the deposit for the benefit of the persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act.

Costs of
administra-
tion of
deposit.

(3) The amount payable to the provisional liquidator or the liquidator for administering the deposit and all costs and expenses incurred by him in administering the deposit shall be paid out of the deposit in accordance with the priorities fixed by clause *a* of section 58 of *The Insurance Act*, but the amount payable to the provisional liquidator or the liquidator and all costs and expenses incurred by him in the winding up of the insurer shall not be paid out of the deposit but shall be paid out of and shall be a first charge on the assets of the insurer except as provided in subsection 3 of section 311.

Termination
date where
reinsurance
not arranged.

315.—(1) If the provisional liquidator or the liquidator fails to secure reinsurance, or if in his opinion it is impracticable or inexpedient to arrange for reinsurance, he,

(a) with the approval of the court and subject to such terms as may be prescribed by the court; and

(b) for the purpose of securing the payment of existing claims and avoiding further losses,

may publish a notice fixing a termination date for the subsisting contracts of insurance of such insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date.

Termination
of Ontario
contracts
where ter-
mination
date fixed
in another
province.

(2) Where a provisional liquidator or a liquidator has been appointed in another province to wind up an insurer incorporated in that province, and if such provisional liquidator or liquidator fixes a termination date for the contracts of insur-

ance of the insurer, on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date.

(3) Where a receiver administering a deposit has fixed a termination date pursuant to section 53 of *The Insurance Act*, the termination date fixed pursuant to this section shall apply only to those contracts of insurance not already terminated on the date fixed by the receiver.

Where
termination
date fixed
by receiver.
Rev. Stat.,
c. 183.

316. The provisional liquidator or the liquidator shall cause the notice,

Publication
of notice of
termination
date.

(a) to be published in *The Ontario Gazette* and in the official *Gazette* of each other province in which the insurer is licensed, and in such newspapers as the court may direct in order to give reasonable notice of the termination date so fixed; and

(b) to be mailed to each policyholder at his address as shown on the books and records of the company.

317.—(1) The liquidator shall pay or set aside from the assets of the insurer sums in his opinion sufficient to pay,

Payment of
claims for
losses and
preferred
claims, etc.

(a) the costs of the liquidation or winding up;

(b) all claims for losses covered by the insurer's contracts of insurance that occurred before the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act and that have not been paid or provided for in the administration of the deposit and of which notice has been received by the insurer or the liquidator;

(c) the full amount of the legal reserve in respect of each unmaturing life insurance contract;

(d) the claims of preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act.

(2) Except in the case of life insurance, the assets remaining after payment or making provision for payment of the amounts mentioned in subsection 1 shall be used to pay the claims of the insured persons for refunds of unearned premiums on a *pro rata* basis in proportion to the periods of their contracts respectively unexpired on the termination dates to the extent that those claims have not been paid or provided for in the administration of the deposit.

Refund of
unearned
premiums.

Calculation
of unearned
premium
claims.

(3) The claims of the insured persons for refunds of unearned premiums shall be calculated,

Rev. Stat.,
c. 183.

(a) as at the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act; or

(b) as at the date the insured person cancelled the contract,

whichever date is the earlier.

Effect of
refund.

(4) The refund of all or any portion of the premium shall not destroy or defeat any other remedy the insured person may have against the insurer in respect thereof or for any other cause.

Effect of
section.

(5) Nothing in this section shall prejudice or affect the priority of any mortgage, lien or charge upon the property of the insurer.

Payment of
provincial
fees and
taxes, etc.

318. The fees, taxes and costs payable by the insurer to each province shall be paid out of the assets of the insurer remaining after the reinsurance of the subsisting contracts of insurance of the insurer or after the payment of the claims of policyholders for refund of unearned premiums, as the case may be, and the balance shall be distributed among the creditors of the insurer other than the insured persons, preferred creditors and the several provinces.

Filing of
statements
by liqui-
dator.

319.—(1) Unless otherwise ordered by the court, within seven days after the close of each period of three months and until the affairs of the insurer are wound up and the accounts are finally closed the liquidator shall file with the court or other authority appointing him and also with the Superintendent, detailed schedules, in such form as may be required, showing,

(a) receipts and expenditures; and

(b) assets and liabilities.

Production
of books,
etc., by
liquidator.

(2) The liquidator, whenever he is required to do so by the authority appointing him or by the Minister, shall exhibit the office books and vouchers and furnish such other information respecting the affairs of the insurer as may be required.

Penalty.

(3) Every liquidator refusing or neglecting to furnish such information shall be guilty of an offence and on summary conviction shall be liable for each offence to a penalty of not less than \$50 and not more than \$200 and in addition shall be liable to be dismissed or removed.

320.—(1) Where a fraternal society transacts endowment or expectancy insurance and has an endowment fund separate and distinct from its life insurance fund, the society may, by resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, determine that the endowment or expectancy fund shall be discontinued, and that the endowment or expectancy fund shall be distributed *pro rata* among the members then in good standing who are contributing to such fund according to the total contribution of such member.

Distribution of endowment and expectancy funds.

(2) After the resolution has been assented to by the Superintendent and filed with the Provincial Secretary, the executive officers may proceed to ascertain the persons intended to rank upon the fund and may distribute the fund among those so entitled and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society.

Procedure.

(3) If all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, the general meeting, instead of determining that the endowment or expectancy fund shall be distributed, may determine that such fund shall be converted into or merged in a life insurance fund and after the resolution has been assented to and filed as provided in subsection 2 the endowment or expectancy fund shall become and be a life insurance fund.

Merger of funds.

321. Notwithstanding anything in this Act or in *The Insurance Act*, where an insurer is being wound up voluntarily the Superintendent may renew or extend the licence of the insurer for the purpose of its winding up.

Extension of licence.

Rev. Stat., c. 183.

322. The books, accounts and documents of an insurer and the entries in the books of its officers or liquidators shall be *prima facie* evidence of the matters to which they relate as between an alleged debtor or contributory and the insurer.

Books, etc., as evidence.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement.

3. This Act may be cited as *The Companies Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Companies Act

1st Reading

March 30th, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 155

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Companies Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Companies Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 307 to 314 inclusive of *The Companies Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 59, ss. 307
to 314,
re-enacted.

Liquidation and Winding Up

307. In sections 308 to 317 inclusive, unless the context otherwise requires,

Interpre-
tation.

1. "court" means Supreme Court of Ontario;
2. "deposit" means the deposit required under section 41 of *The Insurance Act*;
3. "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
 - (a) every person insured by a contract whether named or not;
 - (b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and
 - (c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214 of *The Insurance Act*;
4. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
5. "Minister" means that member of the Executive Council charged for the time being by the Lieutenant-Governor in Council with the administration of *The Insurance Act*;

Rev. Stat.,
c. 183.

6. "Ontario contract" means a subsisting contract of insurance that,

(a) has for its subject,

(i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or

(ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in, or has its head office in Ontario; or

(b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

Rev. Stat.,
c. 183.

7. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69 of *The Insurance Act*;

8. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 of *The Insurance Act*, with respect to the deposit of a particular insurer.

Application
of Part XIV.

308.—(1) The provisions of Part XIV relating to the winding up of companies shall apply to insurers incorporated under or subject to this Act except where inconsistent with this Part.

Interpre-
tation.

(2) Where the company, corporation or society is not constituted exclusively or chiefly for insurance purposes and the insurance branch and fund are completely severable from every other branch and fund of the company, corporation or society, the word "insurer" for the purposes of the following sections means only the insurance branch of the company, corporation or society.

Winding up
by order of
court on
application
of Superin-
tendent.

309.—(1) An insurer incorporated in Ontario may also be wound up by order of the court on the application of the Superintendent if the court is satisfied that,

(a) the insurer has failed to exercise its corporate powers during any continuous period of four years; or

(b) the insurer has not commenced business or gone into actual operation within four years after it was incorporated; or

- (c) the insurer has discontinued business for one year after it has undertaken insurance contracts within the meaning of *The Insurance Act*; or

Rev. Stat.,
c. 183.

- (d) the insurer's licence has been suspended for one year or more; or

- (e) the insurer has carried on business or entered into a contract or used its funds in a manner or for a purpose prohibited or not authorized by *The Insurance Act* or by its Act of incorporation or by any special Act applicable thereto; or

- (f) other sufficient cause has been shown.

(2) No such application shall be made by the Superintendent without the approval of the Lieutenant-Governor in Council.

Approval
of Lieu-
tenant-
Governor
in Council.

(3) Upon the making of an order under this section, the provisions of Part XIV relating to winding up of a company, in so far as they are not inconsistent with this Part, shall apply.

Application
of Part XIV.

310.—(1) In the case of an insurer incorporated in Ontario,

Provisional
liquidator,
appoint-
ment.

- (a) if its licence expires and,

- (i) the insurer fails to renew within the period limited by *The Insurance Act*; or

- (ii) a renewal is refused; or

- (b) if its licence is cancelled,

the Minister may appoint a provisional liquidator who shall take charge of the affairs of the company and may direct that it be wound up forthwith under this Act.

(2) Until a permanent liquidator is appointed, the provisional liquidator shall exercise all the powers of the insurer and none of the officers or servants of the insurer shall make any contract for, incur any liability on behalf of, or expend any moneys of, the insurer without the approval of the provisional liquidator.

Powers of
provisional
liquidator.

(3) The provisional liquidator shall petition the court for a winding up order, and if the court is of the opinion that it is just and equitable so to do, it may make an order winding up the company and thereupon the provisions of this Act relating to the winding up of a company, in so far as they are not inconsistent with this Part, shall apply.

Petition by
provisional
liquidator
for winding
up order.

Sale of
business.

(4) The provisional liquidator or the liquidator, notwithstanding this Act, but subject to the approval of the court, may sell the business and undertaking of the company as a going concern.

Remunera-
tion of
provisional
liquidator.

311.—(1) The remuneration to be paid to a provisional liquidator appointed under subsection 1 of section 310 shall be fixed by the Minister.

Payment of
costs of
provisional
liquidator.

(2) The remuneration and all expenses and outlay in connection with the appointment of the provisional liquidator, together with all expenses and outlay of the provisional liquidator while he acts in that capacity, shall be borne and paid by the insurer and shall form a first lien or charge upon the assets of the insurer other than the deposit unless otherwise directed pursuant to subsection 3.

Payment of
cost of
provisional
liquidator
out of
deposit.

(3) The Minister in his discretion may direct that the remuneration, expenses and outlay shall be paid out of the proceeds of the deposit made by the insurer, and in that case the amount directed to be paid shall have the same priority as the expenses of the receiver administering the deposit as fixed by clause *a* of section 58 of *The Insurance Act*.

Rev. Stat.,
c. 183.

Notice of
intention
to cease
writing
insurance or
to consider
voluntary
liquidation.

312.—(1) When an insurer incorporated under or subject to the laws of Ontario proposes to cease writing insurance or to call a general meeting to consider a resolution for the voluntary liquidation of the insurer under this Act, it shall give at least one month's notice in writing thereof to the Superintendent of Insurance of each province in which the insurer is licensed.

Notice to
Superinten-
dent of
voluntary
winding up.

(2) When an insurer has passed a resolution for voluntary winding up, the insurer shall notify the Superintendent thereof and of the date on which contracts of insurance will cease to be entered into by the insurer and of the name and address of its liquidator.

Publication
of notice.

(3) The notice under subsection 2 shall also be published by the insurer in two consecutive issues of *The Ontario Gazette* and the official *Gazette* of each other province in which the insurer is licensed and in such newspapers and other publications as the Superintendent may require.

Reinsurance.

313.—(1) The provisional liquidator or the liquidator, before any order granting administration of the deposit and before the fixing of a termination date pursuant to section 315, may arrange for the reinsurance of the subsisting contracts of insurance of the insurer with some other insurer licensed in Ontario.

(2) For the purpose of securing the reinsurance, the following funds shall be available: Funds available for reinsurance.

(a) the entire assets of the insurer in Ontario other than the deposit except the amount reasonably estimated by the provisional liquidator or the liquidator as being required to pay,

(i) the costs of the liquidation or winding up,

(ii) all claims for losses covered by the insurer's contracts of insurance of which notice has been received by the insurer or provisional liquidator or liquidator before the date on which the reinsurance is effected,

(iii) the claims of the preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act,

all of which shall be a first charge on the assets of the insurer other than the deposit;

(b) all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3.

(3) If it appears necessary or desirable to secure reinsurance for the protection of insured persons entitled to share in the proceeds of the deposit, the Minister, on the recommendation of the Superintendent, or in the case of a reciprocal deposit the Superintendents of Insurance of each of the reciprocating provinces, may enter into an agreement with the provisional liquidator or the liquidator, whereby, pursuant to section 47 or 69a of *The Insurance Act*, all or any part of the securities in the deposit may be used for the purpose of securing the reinsurance. Agreement for use of deposit for reinsurance. Rev. Stat., c. 183.

(4) The creditors of the insurer, other than the insured persons and the said preferred creditors, shall be entitled to receive a payment on their claims only if provision has been made for the payments mentioned in subsection 2 and for the reinsurance. Payments to creditors other than preferred creditors.

(5) If, after providing for the payments mentioned in subsection 2, the balance of the assets of the insurer, together with all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3, is insufficient to secure the reinsurance of the contracts of the insured persons in full, the reinsurance may be effected for such portion of the full amount of the contracts as may be possible. Reinsurance of part of contracts.

Approval
by court.

(6) No contract of reinsurance shall be entered into pursuant to this section until it is approved by the court.

Transfer of
deposit from
receiver to
provisional
liquidator or
liquidator.

Rev. Stat.,
c. 183.

R.S.C.,
c. 213.

314.—(1) In the winding up of an insurer that has made a deposit pursuant to *The Insurance Act*, if the person appointed as receiver to administer the deposit pursuant to section 52 of *The Insurance Act* is not the person appointed as the provisional liquidator or the liquidator under *The Insurance Act* or this Act or appointed as the liquidator under the *Winding-up Act* (Canada), as the case may be, the court at any time in its discretion may order that the deposit and the administration thereof be transferred from the receiver to the provisional liquidator or the liquidator.

Administra-
tion of
deposit.

(2) Upon the making of an order pursuant to subsection 1, the provisional liquidator or the liquidator shall administer the deposit for the benefit of the persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act.

Costs of
administra-
tion of
deposit.

(3) The amount payable to the provisional liquidator or the liquidator for administering the deposit and all costs and expenses incurred by him in administering the deposit shall be paid out of the deposit in accordance with the priorities fixed by clause *a* of section 58 of *The Insurance Act*, but the amount payable to the provisional liquidator or the liquidator and all costs and expenses incurred by him in the winding up of the insurer shall not be paid out of the deposit but shall be paid out of and shall be a first charge on the assets of the insurer except as provided in subsection 3 of section 311.

Termination
date where
reinsurance
not arranged.

315.—(1) If the provisional liquidator or the liquidator fails to secure reinsurance, or if in his opinion it is impracticable or inexpedient to arrange for reinsurance, he,

(a) with the approval of the court and subject to such terms as may be prescribed by the court; and

(b) for the purpose of securing the payment of existing claims and avoiding further losses,

may publish a notice fixing a termination date for the subsisting contracts of insurance of such insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date.

Termination
of Ontario
contracts
where ter-
mination
date fixed
in another
province.

(2) Where a provisional liquidator or a liquidator has been appointed in another province to wind up an insurer incorporated in that province, and if such provisional liquidator or liquidator fixes a termination date for the contracts of insur-

ance of the insurer, on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date.

(3) Where a receiver administering a deposit has fixed a termination date pursuant to section 53 of *The Insurance Act*, the termination date fixed pursuant to this section shall apply only to those contracts of insurance not already terminated on the date fixed by the receiver. Where termination date fixed by receiver. Rev. Stat., c. 183.

316. The provisional liquidator or the liquidator shall cause the notice, Publication of notice of termination date.

(a) to be published in *The Ontario Gazette* and in the official *Gazette* of each other province in which the insurer is licensed, and in such newspapers as the court may direct in order to give reasonable notice of the termination date so fixed; and

(b) to be mailed to each policyholder at his address as shown on the books and records of the company.

317.—(1) The liquidator shall pay or set aside from the assets of the insurer sums in his opinion sufficient to pay, Payment of claims for losses and preferred claims, etc.

(a) the costs of the liquidation or winding up;

(b) all claims for losses covered by the insurer's contracts of insurance that occurred before the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act and that have not been paid or provided for in the administration of the deposit and of which notice has been received by the insurer or the liquidator;

(c) the full amount of the legal reserve in respect of each unexpired life insurance contract;

(d) the claims of preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act.

(2) Except in the case of life insurance, the assets remaining after payment or making provision for payment of the amounts mentioned in subsection 1 shall be used to pay the claims of the insured persons for refunds of unearned premiums on a *pro rata* basis in proportion to the periods of their contracts respectively unexpired on the termination dates to the extent that those claims have not been paid or provided for in the administration of the deposit. Refund of unearned premiums.

Calculation
of unearned
premium
claims.

(3) The claims of the insured persons for refunds of unearned premiums shall be calculated,

Rev. Stat.,
c. 183.

(a) as at the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act; or

(b) as at the date the insured person cancelled the contract,

whichever date is the earlier.

Effect of
refund.

(4) The refund of all or any portion of the premium shall not destroy or defeat any other remedy the insured person may have against the insurer in respect thereof or for any other cause.

Effect of
section.

(5) Nothing in this section shall prejudice or affect the priority of any mortgage, lien or charge upon the property of the insurer.

Payment of
provincial
fees and
taxes, etc.

318. The fees, taxes and costs payable by the insurer to each province shall be paid out of the assets of the insurer remaining after the reinsurance of the subsisting contracts of insurance of the insurer or after the payment of the claims of policyholders for refund of unearned premiums, as the case may be, and the balance shall be distributed among the creditors of the insurer other than the insured persons, preferred creditors and the several provinces.

Filing of
statements
by liqui-
dator.

319.—(1) Unless otherwise ordered by the court, within seven days after the close of each period of three months and until the affairs of the insurer are wound up and the accounts are finally closed the liquidator shall file with the court or other authority appointing him and also with the Superintendent, detailed schedules, in such form as may be required, showing,

(a) receipts and expenditures; and

(b) assets and liabilities.

Production
of books,
etc., by
liquidator.

(2) The liquidator, whenever he is required to do so by the authority appointing him or by the Minister, shall exhibit the office books and vouchers and furnish such other information respecting the affairs of the insurer as may be required.

Penalty.

(3) Every liquidator refusing or neglecting to furnish such information shall be guilty of an offence and on summary conviction shall be liable for each offence to a penalty of not less than \$50 and not more than \$200 and in addition shall be liable to be dismissed or removed.

320.—(1) Where a fraternal society transacts endowment or expectancy insurance and has an endowment fund separate and distinct from its life insurance fund, the society may, by resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, determine that the endowment or expectancy shall be discontinued, and that the endowment or expectancy fund shall be distributed *pro rata* among the members then in good standing who are contributing to such fund according to the total contribution of such member.

Distribution of endowment and expectancy funds.

(2) After the resolution has been assented to by the Superintendent and filed with the Provincial Secretary, the executive officers may proceed to ascertain the persons intended to rank upon the fund and may distribute the fund among those so entitled and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society.

Procedure.

(3) If all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, the general meeting, instead of determining that the endowment or expectancy fund shall be distributed, may determine that such fund shall be converted into or merged in a life insurance fund and after the resolution has been assented to and filed as provided in subsection 2 the endowment or expectancy fund shall become and be a life insurance fund.

Merger of funds.

321. Notwithstanding anything in this Act or in *The Insurance Act*, where an insurer is being wound up voluntarily the Superintendent may renew or extend the licence of the insurer for the purpose of its winding up.

Extension of licence.

Rev. Stat., c. 183.

322. The books, accounts and documents of an insurer and the entries in the books of its officers or liquidators shall be *prima facie* evidence of the matters to which they relate as between an alleged debtor or contributory and the insurer.

Books, etc., as evidence.

2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement.

3. This Act may be cited as *The Companies Amendment Act, 1951*.

Short title.

BILL

An Act to amend The Companies Act

1st Reading

March 30th, 1951

2nd Reading

April 2nd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Pharmacy Act

MR. PHILLIPS

EXPLANATORY NOTES

SECTION 1. At present the section forbids an unregistered person to compound prescriptions. Today many prescriptions are not compounded but are filled by handing out the article in a prepared form. The amendment is designed to prevent the filling of a prescription in any manner by an unqualified person.

SECTION 2. The section dealing with cancellation and suspension of registration is revised and authority is given to the Council to cancel registration on the grounds of mental incompetency and a right of appeal to the Supreme Court from a decision of the Council is given when registration has been cancelled.

BILL

An Act to amend The Pharmacy Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Pharmacy Act* is amended by inserting after the word "shall" in the fourth line the words "dispense or", so that the section shall read as follows: Rev. Stat., c. 276, s. 22, amended.

22. Any person registered under section 16, and no other person, shall be entitled to be called a pharmaceutical chemist, and no person except a pharmaceutical chemist, or his registered apprentice, shall dispense or compound prescriptions of medical practitioners; but no person shall be entitled to any of the privileges of a pharmaceutical chemist, or of a member of the College, who is in default in respect to any fees payable by him by virtue of this Act. Who may act as pharmaceutical chemist.

2. Section 23 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 276, s. 23, re-enacted.

23.—(1) Upon a resolution of the Council being passed declaring that any person in consequence of, Cancellation of registration.

(a) his conviction of a crime or an offence against any Act of the Parliament of Canada or of the Legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or

(b) having been declared, certified or found to be mentally incompetent or mentally ill pursuant to the relevant statutes in that behalf,

is unfit to practise his profession as a pharmaceutical chemist or to be registered as an apprentice, the Council may direct that the registration of such

person be cancelled and the registrar shall note such cancellation in the register, and all certificates or licences issued to such person under this Act shall thereby be revoked.

Suspension
of registra-
tion.

- (2) During the period between meetings of Council a committee of the Council consisting of the president, the chairman of the by-laws and legislation committee and the chairman of the infringement committee may suspend the registration of any person until the next meeting of the Council.

Prohibition
re engaging
in business
while regis-
tration
cancelled or
suspended.

- (3) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not engage in the business of a pharmaceutical chemist either on his own behalf or as an employee or clerk and shall not act as a director or vote or interfere as a shareholder in the business of any corporation dealing in drugs or medicines under this Act.

Appeal.

- (4) A pharmaceutical chemist or apprentice whose registration has been cancelled under this section may within three months appeal to the Supreme Court and the court may make an order directing the registrar to restore his name to the register or may dismiss the appeal.

Entry by
registrar.

- (5) The decision of the court shall be final and the registrar shall make any entry in the register necessary to comply with the order of the court and, if the order so directs, restore any certificate or licence issued under this Act.

Reinstatement by
Council.

- (6) The Council may upon application reinstate a person whose registration has been cancelled.

No proceedings
against
Council.

- (7) No action or other proceedings shall be brought or taken by or on behalf of any person against the Council or any member thereof for anything done or attempted in good faith under this section notwithstanding any want of form in the proceedings of the Council or the committee.

Rev. Stat.,
c. 276, s. 43,
amended.

3. Section 43 of *The Pharmacy Act* is amended by striking out the words "except as provided by section 31" in the sixth line and by adding at the end thereof the words "to persons using or entitled to sell the same", so that the section shall read as follows:

SECTION 3. The amendment will prevent the indiscriminate sale of drugs and medicines by pharmaceutical manufacturers to retailers who are not entitled to sell them to the public.



43. Nothing in this Act shall prevent any person from selling goods of any kind to a pharmaceutical chemist or to a legally qualified medical practitioner or to a veterinary surgeon, or shall prevent a legally qualified medical practitioner or a veterinary surgeon from supplying such medicine as he may prescribe, or shall interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing to persons using or entitled to sell the same. Sales to chemists, etc., not affected.

4. This Act may be cited as *The Pharmacy Amendment Act, 1951*. Short title.

An Act to amend The Pharmacy Act

1st Reading

March 30th, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

3RD SESSION, 23RD LEGISLATURE, ONTARIO
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23.—(1) Upon a resolution of the Council being passed declaring that any person in consequence of, Cancellation of registration.

(a) his conviction of a crime or an offence against any Act of the Parliament of Canada or of the Legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or

(b) having been declared, certified or found to be mentally incompetent or mentally ill pursuant to the relevant statutes in that behalf,

is unfit to practise his profession as a pharmaceutical chemist or to be registered as an apprentice, the Council may direct that the registration of such

person be cancelled and the registrar shall note such cancellation in the register, and all certificates or licences issued to such person under this Act shall thereby be revoked.

Suspension
of registra-
tion.

- (2) During the period between meetings of Council a committee of the Council consisting of the president, the chairman of the by-laws and legislation committee and the chairman of the infringement committee may suspend the registration of any person until the next meeting of the Council.

Prohibition
re engaging
in business
while regis-
tration
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- (3) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not engage in the business of a pharmaceutical chemist either on his own behalf or as an employee or clerk and shall not act as a director or vote or interfere as a shareholder in the business of any corporation dealing in drugs or medicines under this Act.

Appeal.

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registrar.

- (5) The decision of the court shall be final and the registrar shall make any entry in the register necessary to comply with the order of the court and, if the order so directs, restore any certificate or licence issued under this Act.

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Council.

- (6) The Council may upon application reinstate a person whose registration has been cancelled.

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- (7) No action or other proceedings shall be brought or taken by or on behalf of any person against the Council or any member thereof for anything done or attempted in good faith under this section notwithstanding any want of form in the proceedings of the Council or the committee.

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amended.

3. Section 43 of *The Pharmacy Act* is amended by striking out the words "except as provided by section 31" in the sixth line and by adding at the end thereof the words "to persons using or entitled to sell the same", so that the section shall read as follows:

43. Nothing in this Act shall prevent any person from selling goods of any kind to a pharmaceutical chemist or to a legally qualified medical practitioner or to a veterinary surgeon, or shall prevent a legally qualified medical practitioner or a veterinary surgeon from supplying such medicine as he may prescribe, or shall interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing to persons using or entitled to sell the same. Sales to chemists, etc., not affected.

4. This Act may be cited as *The Pharmacy Amendment Act, 1951*. Short title.

BILL

An Act to amend The Pharmacy Act

1st Reading

March 30th, 1951

2nd Reading

April 2nd, 1951

3rd Reading

April 5th, 1951

MR. PHILLIPS

No. 157

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Statute Law Amendment Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Sections 1, 2, 5 and 10 correct all the errors in the Revised Statutes of Ontario, 1950 that have come to light.

SECTION 3. Self-explanatory.

No. 157

1951

BILL

The Statute Law Amendment Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Schedule A to *The Administration of Justice Expenses Act* is amended by inserting the following items under the heading "Crown Attorneys": Rev. Stat., c. 5, Sched. A, amended.

3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail. 2.00
4. Services prior to sittings of the Supreme Court, per case. 7.50
5. Assisting Crown counsel at Supreme Court, per diem. . 15.00
6. If copies of depositions are required by the presiding judge or Crown counsel, the same shall be prepared by the Crown attorney and allowed at the rate of 10 cents per folio.

(2) Schedule B to *The Administration of Justice Expenses Act* is amended by inserting the following items under the heading "Crown Attorneys": Rev. Stat., c. 5, Sched. B, amended.

3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail. 2.00
4. Services prior to sittings of the Supreme Court, per case. 7.50

2. Section 14 of *The Assignment of Book Debts Act* is amended by striking out the word "extent" in the eighth line and inserting in lieu thereof the word "extend". Rev. Stat., c. 25, s. 14, amended.

3. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat., c. 38, amended.

- 26a. Every board of education shall have power to appoint a psychiatrist or a psychologist, to fix his salary and to define his authority. Psychiatrist or psychologist.

Rev. Stat.,
c. 70, s. 26,
subs. 1,
amended.

4. Subsection 1 of section 26 of *The Coroners Act* is amended by striking out the word "jurymen" where it occurs in the first and third lines respectively and inserting in lieu thereof in each instance the word "jurors"

Rev. Stat.,
c. 79, s. 1,
cl. m,
amended.

5. Clause *m* of section 1 of *The Credit Unions Act* is amended by striking out the word "register" in the first line and inserting in lieu thereof the word "registrar".

Rev. Stat.,
c. 102,
amended.

6. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

Appeals.

9b. An appeal from an order made under this Act may be heard at such time as the judge of the court to which the appeal is taken may appoint and may in the discretion of the judge be heard in chambers.

Rev. Stat.,
c. 233, s. 5,
subs. 1,
cl. *hh*
(1951, c. ...
s. 3),
amended.

7. Clause *hh* of subsection 1 of section 5 of *The Milk Control Act*, as enacted by section 3 of *The Milk Control Amendment Act, 1951*, is amended by inserting after the word "by" in the second line the words "wholesale or", so that the clause shall read as follows:

(*hh*) after a public hearing, prescribe maximum prices at which milk may be sold by wholesale or retail in any market.

1947,
c. 89, s. 34,
subs. 2
(1948,
c. 74, s. 7),
amended.

8. Subsection 2 of section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948* and amended by subsection 2 of section 3 of *The Public Service Amendment Act, 1950*, is further amended by striking out the figures "1950" in the amendment of 1950 and inserting in lieu thereof the figures "1952", so that the subsection shall read as follows:

Where con-
tributions
withdrawn.

(2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1952, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Rev. Stat.,
c. 317, s. 35,
subs. 1,
amended.

9. Subsection 1 of section 35 of *The Public Service Act* is amended by striking out the figures "18" in the tenth line and inserting in lieu thereof the figures "20", so that the subsection shall read as follows:

SECTION 4. This is complementary to Bill No. 119, *An Act to amend The Jurors Act*.

SECTION 6. At present, an appeal from an order for payment of money made under *The Deserted Wives' and Children's Maintenance Act* may not be heard for some months, thus creating hardship for the wife or children who would benefit under the order. The amendment is designed to expedite the hearing of these appeals.

SECTION 7. The powers of the Milk Control Board are extended in the manner provided.

SECTION 8. This amendment extends the period within which a group of approximately 20 former teachers and inspectors who are now civil servants may establish credit in the Public Service Superannuation Fund in respect of their periods of teaching and inspectorial service.

SECTION 9. This amendment affects a small group of less than a dozen former teachers and inspectors who are now civil servants. It is considered that the 18-year provision is unduly restrictive.

The effect of the amendment is to increase slightly the service credits of this group.

SECTION 11. The subclause in its present form has been in the Act for many years but no regulations have been made under it. The amendment enlarges the scope of the subclause to enable the Act to be extended to teachers who cannot now be brought within it.

- (1) Every person who made an election under subsection 1 or 2 of section 34 of *The Public Service Act, 1947*, or whose contributions and credits in The Teachers' Superannuation Fund have been transferred to the Fund, shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to four per cent of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed 20, or 70 per cent of the number of years for which he contributed to The Teachers' Superannuation Fund. Former teachers. 1947, c. 89.

10. Clause *a* of section 1 of *The Securities Act* is amended by striking out the word "or" in the fifth line and inserting in lieu thereof the word "of". Rev. Stat., c. 351, s. 1, cl. a, amended.

11. Subclause ii of clause *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out the words "supported in whole or in part by contributions from the Province or from a municipal corporation, and" in the first, second, third and fourth lines, so that the subclause shall read as follows: Rev. Stat., c. 384, s. 1, cl. d, subcl. ii, amended.

- (ii) as a teacher in a school or class designated by the regulations.

12.—(1) Sections 1, 2, 5 and 10 shall be deemed to have come into force on the 31st day of December, 1950. Commencement.

(2) Section 7 shall come into force on the day it receives the Royal Assent. Idem.

13. This Act may be cited as *The Statute Law Amendment Act, 1951*. Short title.

BILL

The Statute Law Amendment Act, 1951

1st Reading

April 2nd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 157

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

The Statute Law Amendment Act, 1951

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO

1913

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

No. 157

1951

BILL

The Statute Law Amendment Act, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Schedule A to *The Administration of Justice Expenses Act* is amended by inserting the following items under the heading "Crown Attorneys": Rev. Stat., c. 5, Sched. A, amended.

3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail..... 2.00
4. Services prior to sittings of the Supreme Court, per case..... 7.50
5. Assisting Crown counsel at Supreme Court, per diem... 15.00
6. If copies of depositions are required by the presiding judge or Crown counsel, the same shall be prepared by the Crown attorney and allowed at the rate of 10 cents per folio.

(2) Schedule B to *The Administration of Justice Expenses Act* is amended by inserting the following items under the heading "Crown Attorneys": Rev. Stat., c. 5, Sched. B, amended.

3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail..... 2.00
4. Services prior to sittings of the Supreme Court, per case..... 7.50

2. Section 14 of *The Assignment of Book Debts Act* is amended by striking out the word "extent" in the eighth line and inserting in lieu thereof the word "extend". Rev. Stat., c. 25, s. 14, amended.

3. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat., c. 38, amended.

- 26a. Every board of education shall have power to appoint a psychiatrist or a psychologist, to fix his salary and to define his authority. Psychiatrist or psychologist.

Rev. Stat.,
c. 70, s. 26,
subs. 1,
amended.

4. Subsection 1 of section 26 of *The Coroners Act* is amended by striking out the word "jurymen" where it occurs in the first and third lines respectively and inserting in lieu thereof in each instance the word "jurors".

Rev. Stat.,
c. 79, s. 1,
cl. m,
amended.

5. Clause *m* of section 1 of *The Credit Unions Act* is amended by striking out the word "register" in the first line and inserting in lieu thereof the word "registrar".

Rev. Stat.,
c. 102,
amended.

6. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section:

Appeals.

9b. An appeal from an order made under this Act may be heard at such time as the judge of the court to which the appeal is taken may appoint and may in the discretion of the judge be heard in chambers.

Rev. Stat.,
c. 113, s. 2,
amended.

7. Section 2 of *The Embalmers and Funeral Directors Act* is amended by adding thereto the following subsection:

Seat in
Assembly
not vacated.

(4) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of a member of the Board, if he is a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any *per diem*, travelling or living allowance under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Rev. Stat.,
c. 233, s. 5,
subs. 1,
cl. hh
(1951, c. 50,
s. 3),
amended.

8. Clause *hh* of subsection 1 of section 5 of *The Milk Control Act*, as enacted by section 3 of *The Milk Control Amendment Act, 1951*, is amended by inserting after the word "by" in the second line the words "wholesale or", so that the clause shall read as follows:

(*hh*) after a public hearing, prescribe maximum prices at which milk may be sold by wholesale or retail in any market.

1951,
c. 50, s. 7,
amended.

9. Section 7 of *The Milk Control Amendment Act, 1951* is amended by adding thereto the following subsection:

Interpre-
tation.

(4) In this section, the words "milk" and "market" have the same meanings as in *The Milk Control Act*.

1947,
c. 89, s. 34,
subs. 2
(1948,
c. 74, s. 7),
amended.

10. Subsection 2 of section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948* and amended by subsection 2 of section 3 of

The Public Service Amendment Act, 1950, is further amended by striking out the figures "1950" in the amendment of 1950 and inserting in lieu thereof the figures "1952", so that the subsection shall read as follows:

- (2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1952, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly. Where contributions withdrawn.

11. Subsection 1 of section 35 of *The Public Service Act* is amended by striking out the figures "18" in the tenth line and inserting in lieu thereof the figures "20", so that the subsection shall read as follows: Rev. Stat., c. 317, s. 35, subs. 1, amended.

- (1) Every person who made an election under subsection 1 or 2 of section 34 of *The Public Service Act, 1947*, or whose contributions and credits in The Teachers' Superannuation Fund have been transferred to the Fund, shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to four per cent of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed 20, or 70 per cent of the number of years for which he contributed to The Teachers' Superannuation Fund. Former teachers. 1947, c. 89.

12. Clause *a* of section 1 of *The Securities Act* is amended by striking out the word "or" in the fifth line and inserting in lieu thereof the word "of". Rev. Stat., c. 351, s. 1, cl. a, amended.

13. Subclause ii of clause *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out the words "supported in whole or in part by contributions from the Province or from a municipal corporation, and" in the first, second, third and fourth lines, so that the subclause shall read as follows: Rev. Stat., c. 384, s. 1, cl. d, subcl. ii, amended.

- (ii) as a teacher in a school or class designated by the regulations.

14.—(1) Sections 1, 2, 5 and 12 shall be deemed to have come into force on the 31st day of December, 1950. Commencement.

Idem. (2) Sections 7 and 8 shall come into force on the day this Act receives the Royal Assent.

Idem. (3) Section 9 shall be deemed to have come into force on the 21st day of March, 1951.

Short title. **15.** This Act may be cited as *The Statute Law Amendment Act, 1951*.

BILL

The Statute Law Amendment Act, 1951

1st Reading

April, 2nd, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Charities Accounting Act

MR. PORTER

EXPLANATORY NOTES

SECTION 1. The purpose of this new subsection is to extend the scope of the Act to cover corporations incorporated for religious, educational, charitable or public purposes.

SECTION 2. A new section is added to the Act. It is self-explanatory.

BILL

An Act to amend The Charities Accounting Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Charities Accounting Act* is amended by adding thereto the following subsection: Rev. Stat., c. 50, s. 1, amended.

(1a) Any corporation incorporated for any religious, educational, charitable or public purpose shall be deemed to be a trustee within the meaning of this Act, its instrument of incorporation shall be deemed to be an instrument in writing within the meaning of this Act, and any real or personal property acquired by it shall be deemed to be property within the meaning of this Act. Charitable corporations, etc., brought within Act.

2. *The Charities Accounting Act* is amended by adding thereto the following section: Rev. Stat., c. 50, amended.

6a.—(1) Any person may complain as to the manner in which any person or organization has solicited or procured funds by way of contribution or gift from the public for any purpose, or as to the manner in which any such funds have been dealt with or disposed of. Collection of funds from the public, right of complaint.

(2) Every such complaint shall be in writing and delivered by the complainant to any judge of any county or district court. Form of complaint.

(3) Wherever the judge is of opinion that the public interest can be served by an investigation of the matter complained of, he may make an order directing the Public Trustee to make such investigation as the Public Trustee may deem proper in the circumstances. Order for investigation.

Powers of
Public
Trustee.

Rev. Stat.,
c. 308.

Cost of
investiga-
tion.

Report of
investiga-
tion.

Order for
audit.

Rev. Stat.,
c. 400.

Where
section not
to apply.

Commence-
ment.

Short title.

(4) In making any such investigation, the Public Trustee shall have and may exercise any of the powers conferred upon him by this Act or that may be conferred upon a commissioner under *The Public Inquiries Act*.

(5) The cost of any such investigation, when approved by the Attorney-General, shall form part of the expenses of the administration of justice in Ontario.

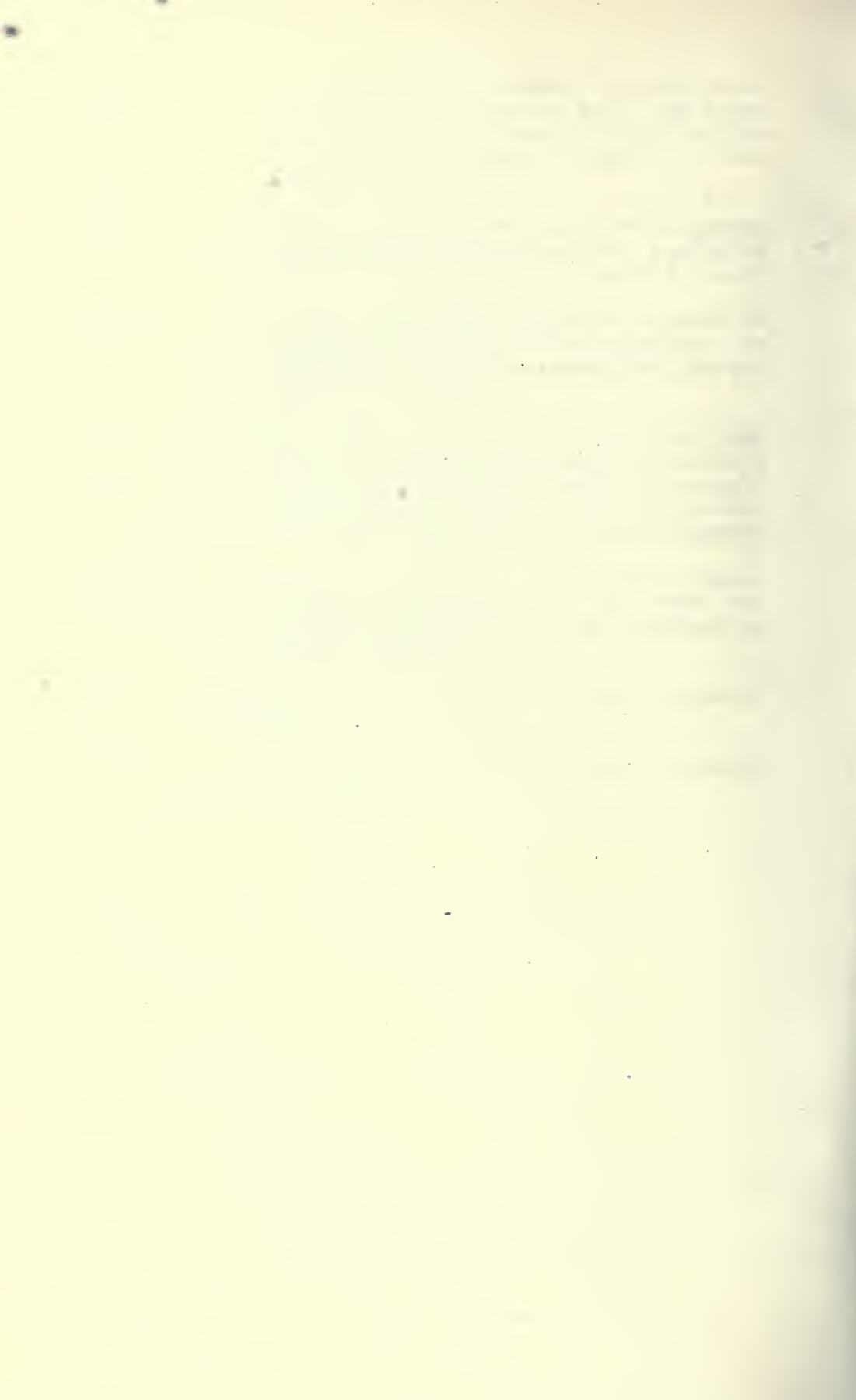
(6) As soon as the Public Trustee has completed his investigation, he shall report in writing thereon to the Attorney-General and to the county court judge who ordered the investigation.

(7) Upon receipt of the report, the county court judge may order a passing of the accounts in question in which case section 23 of *The Trustee Act* shall apply, and the judge may make such order as to the costs of the Public Trustee thereon as he may deem proper.

(8) Nothing in this section shall apply to any religious or fraternal organization or to any person who solicited or procured any funds for any religious or fraternal organization.

3. This Act shall come into force on the day it receives the Royal Assent.

4. This Act may be cited as *The Charities Accounting Amendment Act, 1951*.



BILL

An Act to amend The Charities
Accounting Act

1st Reading

April 2nd, 1951

2nd Reading

3rd Reading

MR. PORTER

No. 158

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Charities Accounting Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Charities Accounting Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Charities Accounting Act* is amended by adding thereto the following subsection: Rev. Stat., c. 50, s. 1, amended.

(1a) Any corporation incorporated for any religious, educational, charitable or public purpose shall be deemed to be a trustee within the meaning of this Act, its instrument of incorporation shall be deemed to be an instrument in writing within the meaning of this Act, and any real or personal property acquired by it shall be deemed to be property within the meaning of this Act. Charitable corporations, etc., brought within Act.

2. *The Charities Accounting Act* is amended by adding thereto the following section: Rev. Stat., c. 50, amended.

6a.—(1) Any person may complain as to the manner in which any person or organization has solicited or procured funds by way of contribution or gift from the public for any purpose, or as to the manner in which any such funds have been dealt with or disposed of. Collection of funds from the public, right of complaint.

(2) Every such complaint shall be in writing and delivered by the complainant to any judge of any county or district court. Form of complaint.

(3) Wherever the judge is of opinion that the public interest can be served by an investigation of the matter complained of, he may make an order directing the Public Trustee to make such investigation as the Public Trustee may deem proper in the circumstances. Order for investigation.

Powers of
Public
Trustee.

- (4) In making any such investigation, the Public Trustee shall have and may exercise any of the powers conferred upon him by this Act or that may be conferred upon a commissioner under *The Public Inquiries Act*.

Cost of
investiga-
tion.

- (5) The cost of any such investigation, when approved by the Attorney-General, shall form part of the expenses of the administration of justice in Ontario.

Report of
investiga-
tion.

- (6) As soon as the Public Trustee has completed his investigation, he shall report in writing thereon to the Attorney-General and to the county court judge who ordered the investigation.

Order for
audit.

Rev. Stat.,
c. 400.

- (7) Upon receipt of the report, the county court judge may order a passing of the accounts in question in which case section 23 of *The Trustee Act* shall apply, and the judge may make such order as to the costs of the Public Trustee thereon as he may deem proper.

Where
section not
to apply.

- (8) Nothing in this section shall apply to any religious or fraternal organization or to any person who solicited or procured any funds for any religious or fraternal organization.

Commence-
ment.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Charities Accounting Amendment Act, 1951*.



BILL

An Act to amend The Charities
Accounting Act

1st Reading

April 2nd, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PORTER

No. 159

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Optometry Act

MR. PHILLIPS

EXPLANATORY NOTE

This bill changes the name of the Board of Examiners in Optometry to The Board of Directors in Optometry. At present the Board consists of five persons appointed by the Lieutenant-Governor in Council. The new Board will consist of nine optometrists and three opticians who will be elected, appointed, or nominated and appointed, in the manner prescribed by regulations made by the Board with the approval of the Lieutenant-Governor in Council.

BILL

An Act to amend The Optometry Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Optometry Act* is amended by striking out the words "Board of Examiners in Optometry appointed under this Act" in the first and second lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the clause shall read as follows:

Rev. Stat.,
c. 266, s. 1,
cl. *a*,
amended.

(a) "Board" means The Board of Directors in Optometry.

2. Subsections 1 and 2 of section 2 of *The Optometry Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 2,
subs. 1,
re-enacted;
subs. 2,
repealed.

(1) There shall be a board known as The Board of Directors in Optometry composed of nine optometrists and three opticians who shall be elected, appointed, or nominated and appointed, as prescribed by the regulations.

Board of
Directors.

3. Subsection 1 of section 3 of *The Optometry Act* is amended by re-lettering clause *a* as clause *aaa* and by adding thereto the following clauses:

Rev. Stat.,
c. 266, s. 3,
subs. 1,
amended.

(a) providing for the election, appointment, or nomination and appointment of the members of the Board, the qualifications of such members and the term of office, and for the election or appointment of the chairman of the Board;

(aa) providing for the holding of elections of members of, or of nominees for appointment to, the Board, including the qualification of voters, and prescribing a scheme of representation of voters on the Board, either geographically or otherwise.

4. Subsection 3 of section 9 of *The Optometry Act* is amended by striking out the words "The Board of Examiners in

Rev. Stat.,
c. 266, s. 9,
subs. 3,
amended.

Optometry" in the second and third lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the subsection shall read as follows:

Manner of execution of instruments by Board.

- (3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Directors in Optometry", and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name.

Transfer of property.

5. As soon as The Board of Directors in Optometry has been established, the Board of Examiners in Optometry shall cease to exist, and thereupon all property vested in the Board of Examiners in Optometry shall vest in The Board of Directors in Optometry.

Commencement.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Optometry Amendment Act, 1951*.



BILL

An Act to amend The Optometry Act

1st Reading

April 2nd, 1951

2nd Reading

3rd Reading

MR. PHILLIPS

No. 159

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

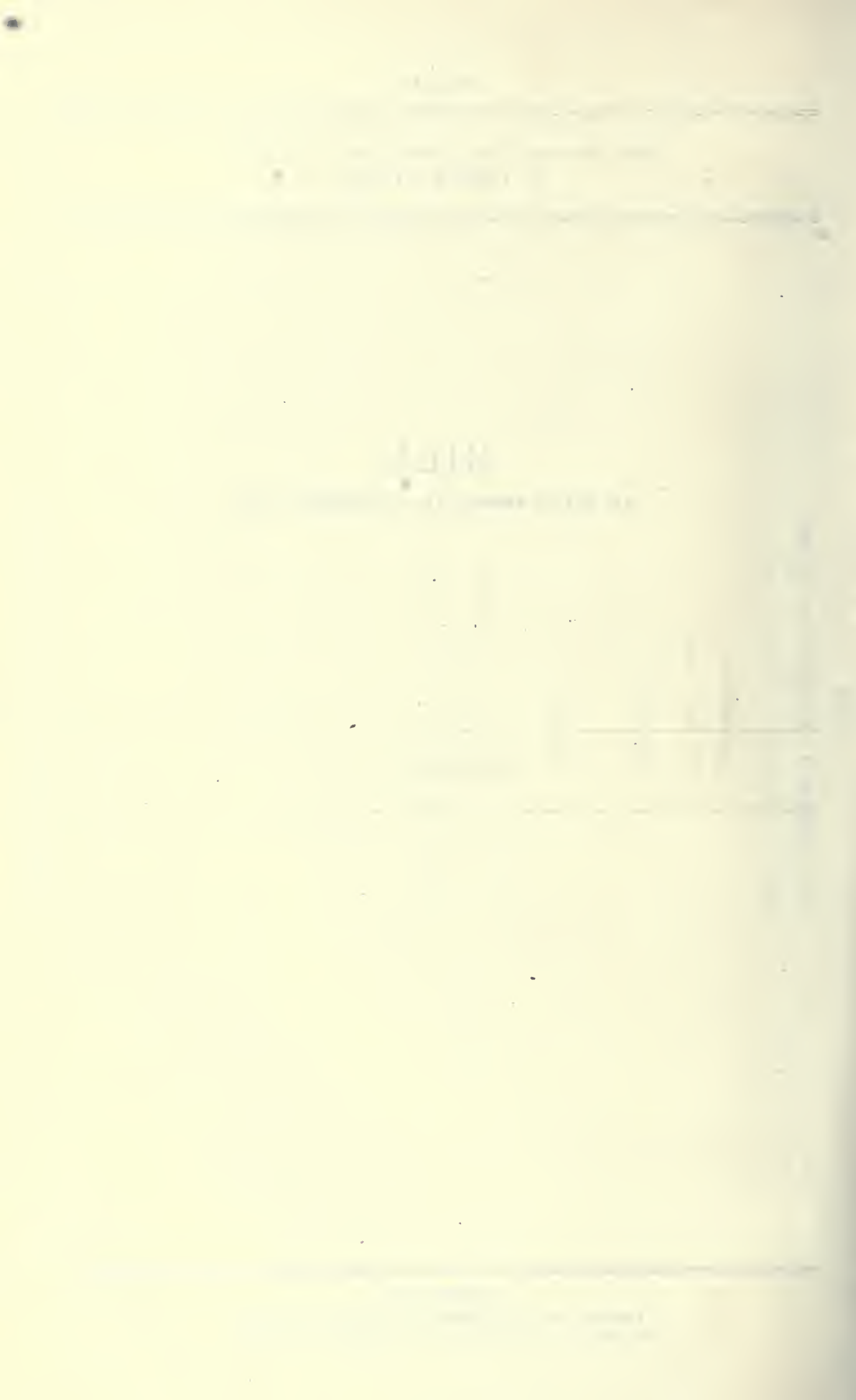
BILL

An Act to amend The Optometry Act

MR. PHILLIPS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 159

1951

BILL

An Act to amend The Optometry Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Optometry Act* is amended by striking out the words "Board of Examiners in Optometry appointed under this Act" in the first and second lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the clause shall read as follows:

Rev. Stat.,
c. 266, s. 1,
cl. *a*,
amended.

(a) "Board" means The Board of Directors in Optometry.

2. Subsections 1 and 2 of section 2 of *The Optometry Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 2,
subs. 1,
re-enacted;
subs. 2,
repealed.

(1) There shall be a board known as The Board of Directors in Optometry composed of nine optometrists and three opticians who shall be elected, appointed, or nominated and appointed, as prescribed by the regulations.

Board of
Directors.

3. Subsection 1 of section 3 of *The Optometry Act* is amended by re-lettering clause *a* as clause *aaa* and by adding thereto the following clauses:

Rev. Stat.,
c. 266, s. 3,
subs. 1,
amended.

(a) providing for the election, appointment, or nomination and appointment of the members of the Board, the qualifications of such members and the term of office, and for the election or appointment of the chairman of the Board;

(aa) providing for the holding of elections of members of, or of nominees for appointment to, the Board, including the qualification of voters, and prescribing a scheme of representation of voters on the Board, either geographically or otherwise.

4. Subsection 3 of section 9 of *The Optometry Act* is amended by striking out the words "The Board of Examiners in

Rev. Stat.,
c. 266, s. 9,
subs. 3,
amended.

Optometry" in the second and third lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the subsection shall read as follows:

Manner of execution of instruments by Board.

- (3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Directors in Optometry", and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name.

Transfer of property.

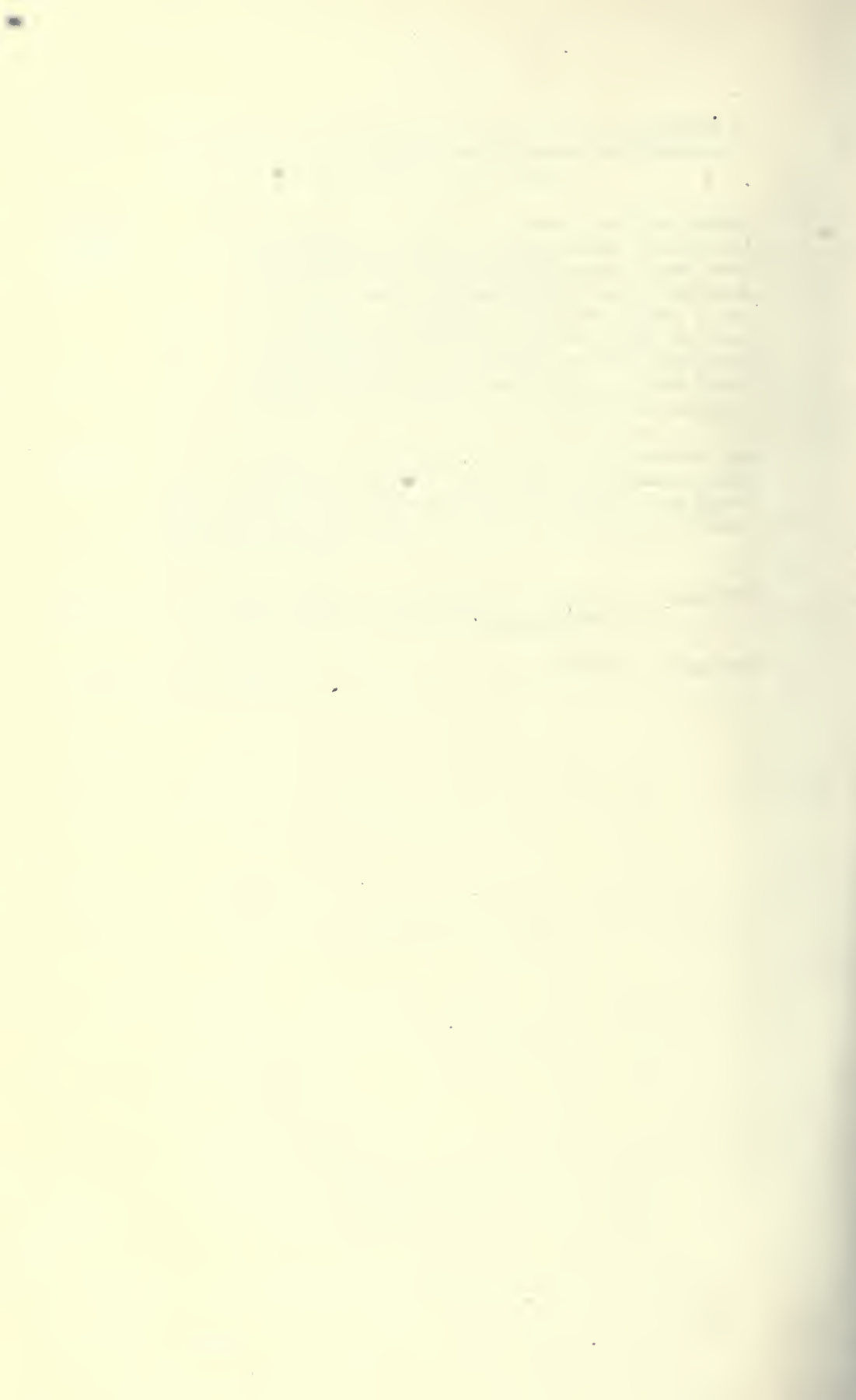
5. As soon as The Board of Directors in Optometry has been established, the Board of Examiners in Optometry shall cease to exist, and thereupon all property vested in the Board of Examiners in Optometry shall vest in The Board of Directors in Optometry.

Commencement.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Optometry Amendment Act, 1951*.



BILL

An Act to amend The Optometry Act

1st Reading

April 2nd, 1951

2nd Reading

April 3rd, 1951

3rd Reading

April 5th, 1951

MR. PHILLIPS

No. 160

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to suspend The Income Tax Act (Ontario) in respect of
Income of the Calendar Year 1950

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 160

1951

BILL

An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1950

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Income Tax Act* (Ontario), no tax shall be levied under that Act on income of the calendar year 1950. Personal income tax suspended.
R.S.O. 1937, c. 25.
2. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment.
3. This Act may be cited as *The Income Tax Suspension Act, 1951*. Short title.

BILL

An Act to suspend The Income Tax Act
(Ontario) in respect of Income of the
Calendar Year 1950

1st Reading

April 3rd, 1951

2nd Reading

3rd Reading

MR. FROST

No. 160

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to suspend The Income Tax Act (Ontario) in respect of
Income of the Calendar Year 1950

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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No. 160

1951

BILL

An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1950

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Income Tax Act* (Ontario), no tax shall be levied under that Act on income of the calendar year 1950. Personal income tax suspended.
R.S.O. 1937, c. 25.
2. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment.
3. This Act may be cited as *The Income Tax Suspension Act, 1951*. Short title.

BILL

An Act to suspend The Income Tax Act
(Ontario) in respect of Income of the
Calendar Year 1950

1st Reading

April 3rd, 1951

2nd Reading

April 4th, 1951

3rd Reading

April 5th, 1951

MR. FROST

No. 161

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Power Commission Act

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The provisions of this bill are self-explanatory.

No. 161

1951

BILL

An Act to amend The Power Commission Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Power Commission Act* is amended by striking out the word "five" in the second line and inserting in lieu thereof the words "not more than nine", so that the subsection shall read as follows: Rev. Stat., c. 281, s. 7, subs. 1, amended.

(1) The Ontario Hydro-Electric Advisory Council shall continue, and shall consist of not more than nine members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for re-appointment. Advisory Council.

(2) Subsection 5 of the said section 7 is amended by adding at the end thereof the words "and the cost thereof shall be deemed to be part of the administration expenses of the Commission", so that the subsection shall read as follows: Rev. Stat., c. 281, s. 7, subs. 5, amended.

(5) The members of the advisory council shall be paid such per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide and the cost thereof shall be deemed to be part of the administration expenses of the Commission. Remuneration.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Power Commission Amendment Act, 1951*. Short title.

BILL

An Act to amend The Power
Commission Act

1st Reading

April 3rd, 1951

2nd Reading

3rd Reading

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act to amend The Power Commission Act

MR. FROST

1310

No. 161

1951

BILL

An Act to amend The Power Commission Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Power Commission Act* is amended by striking out the word “five” in the second line and inserting in lieu thereof the words “not more than nine”, so that the subsection shall read as follows: Rev. Stat., c. 281, s. 7, subs. 1, amended.

(1) The Ontario Hydro-Electric Advisory Council shall continue, and shall consist of not more than nine members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for re-appointment. Advisory Council.

(2) Subsection 5 of the said section 7 is amended by adding at the end thereof the words “and the cost thereof shall be deemed to be part of the administration expenses of the Commission”, so that the subsection shall read as follows: Rev. Stat., c. 281, s. 7, subs. 5, amended.

(5) The members of the advisory council shall be paid such per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide and the cost thereof shall be deemed to be part of the administration expenses of the Commission. Remuneration.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement.

3. This Act may be cited as *The Power Commission Amendment Act, 1951*. Short title.

BILL

An Act to amend The Power
Commission Act

1st Reading

April 3rd, 1951

2nd Reading

April 4th, 1951

3rd Reading

April 5th, 1951

MR. FROST

3RD SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1951, and for the Public Service for the fiscal year ending the 31st day of March, 1952

MR. FROST



No. 162

1951

BILL

An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1951, and for the Public Service for the fiscal year ending the 31st day of March, 1952

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable **Preamble.**
Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1951, and for the fiscal year ending the 31st day of March, 1952, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,500,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1950, to the 31st day of March, 1951, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based. \$1,500,000 granted for fiscal year 1950-51.

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$231,896,205 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1951, to the 31st day of March, 1952, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based. \$231,896,205 granted for fiscal year 1951-52.

Accounting
for expendi-
ture.

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to His Majesty.

Commence-
ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Supply Act, 1951*.

SCHEDULE A

Health Department.....	\$ 1,500,000.00
------------------------	-----------------

SCHEDULE B

Agriculture Department.....	\$ 8,296,000.00
Attorney-General's Department	9,373,900.00
Education Department.....	59,853,000.00
Health Department.....	39,741,000.00
Highways Department.....	3,320,300.00
Insurance Department.....	132,000.00
Labour Department.....	7,122,000.00
Lands and Forests Department.....	12,942,000.00
Lieutenant-Governor's Office.....	20,000.00
Mines Department.....	1,941,000.00
Municipal Affairs Department.....	1,707,500.00
Planning and Development Department.....	1,123,000.00
Prime Minister's Office.....	205,005.00
Provincial Auditor's Office.....	219,500.00
Provincial Secretary's Department.....	942,000.00
Provincial Treasurer's Department.....	3,507,000.00
Public Welfare Department.....	56,945,000.00
Public Works Department.....	16,007,000.00
Reform Institutions Department.....	7,596,000.00
Travel and Publicity Department.....	653,000.00
Miscellaneous.....	250,000.00

Total estimate of expenditure for the fiscal year 1951-52.....	\$231,896,205.00
---	------------------



BILL

An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1951, and for the Public Service for the fiscal year ending the 31st day of March, 1952

1st Reading

April 5th, 1951

2nd Reading

April 5th, 1951

3rd Reading

April 5th, 1951

MR. FROST

LEGISLATIVE ASSEMBLY OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

THIRD READINGS

TWENTY-THIRD LEGISLATURE

4th SESSION

SEPTEMBER 24th to 27th

1951

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4th SESSION — 23rd LEGISLATURE
SEPTEMBER 24th to 27th

1951

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No. 1

4TH SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Old Age Assistance

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This new Act, to be known as *The Old Age Assistance Act, 1951*, will take the place of *The Old Age Pensions Act*.

It authorizes a Canada-Ontario agreement and regulations under which persons in the 65-69 age group will be assisted financially. It also provides for the administration of the plan.

The sections of the Act are self explanatory.

No. 1

1951
(2nd Sess.)

BILL

An Act respecting Old Age Assistance

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "assistance" means old age assistance provided under this Act and the regulations to the persons and under the conditions specified in *The Old Age Assistance Act* (Canada) and the regulations made under it; ^{1951, c. 55 (Can.).}
- (b) "Director" means Director of Old Age Assistance;
- (c) "investigator" means a person designated as such under the regulations and includes a field worker of the Department of Public Welfare;
- (d) "local authority" means the public welfare administrator or public welfare commissioner, if any, or if neither, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom assistance is granted;
- (g) "regulations" means regulations made under this Act. R.S.O. 1950, c. 258, s. 1, *amended*.

2. The Minister, with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide for the payment by Canada to Ontario in accord-

Agreement
with Canada
authorized.

ance with *The Old Age Assistance Act* (Canada) and the regulations made under it of amounts in respect of assistance paid by Ontario pursuant to this Act and the regulations, not exceeding, in respect of any recipient, 50 per cent of \$40 monthly or of the amount of assistance paid by Ontario monthly to the recipient, whichever is the lesser. R.S.O. 1950, c. 258, s. 2, *amended*.

Director,
appoint-
ment.

3.—(1) There shall be a Director of Old Age Assistance appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 258, s. 3, *amended*.

Acting
Director.

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate. *New*.

Director,
duties;

(3) It shall be the duty of the Director,

(a) to receive applications for assistance;

(b) to determine the eligibility of each applicant for assistance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 258, s. 4.

decisions.

(4) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. R.S.O. 1950, c. 258, s. 5.

Assistance
exempt from
taxation.

4.—(1) Assistance is exempt from provincial and municipal taxes.

Assistance
not assign-
able.

(2) Assistance is not subject to alienation or transfer by the recipient.

Assistance
not subject
to seizure.

(3) Assistance is not subject to attachment or seizure in satisfaction of any claim against the recipient. R.S.O. 1950, c. 258, s. 6.

Voting
rights.

5. The receipt of assistance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. R.S.O. 1950, c. 258, s. 8.

When
assistance
may be paid
to trustee.

6. In the case of a recipient,

(a) for whom a committee or trustee has been appointed;
or

- (b) who, in the opinion of the Director, is using or is likely to use the assistance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs; or
- (c) who consents to the payment of the assistance to a person who is undertaking or liable for his maintenance and care,

the Director may direct that the assistance be paid to a trustee for the benefit of the recipient. R.S.O. 1950, c. 258, s. 7.

7. Where assistance has been paid and the Government of Canada, ^{Refusal of Canada to contribute.}

- (a) refuses to pay any amount in respect thereof;
- (b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. R.S.O. 1950, c. 258, ss. 9, 10.

8. If for any reason the Government of Canada ceases to make the contributions provided for under *The Old Age Assistance Act* (Canada) or fails to carry out the agreement made under the authority of this Act, all assistance under this Act shall thereafter cease and no further payments of assistance shall be made. R.S.O. 1950, c. 258, s. 11. ^{When payment of assistance to cease. 1951, c. 55 (Can.).}

9.—(1) The council of a municipality may, subject to the approval of the Minister, appoint a person or persons as local authority or local authorities for the municipality in place of the clerk of the municipality. ^{Local authorities.}

(2) Every local authority is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. R.S.O. 1950, c. 258, s. 15. ^{Idem. Rev. Stat., c. 57.}

10.—(1) Assistance and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 258, s. 16. ^{Funds for purposes of Act.}

(2) During the period commencing on the day this Act comes into force and ending on the 31st day of March, 1952, the moneys appropriated by the Legislature for old age pensions shall be deemed to be moneys appropriated for the purposes of this Act. *New.* ^{Funds for balance of current fiscal year.}

Offences
and pen-
alties.

11.—(1) No persons shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations.

Idem.

(2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations.

Idem.

(3) Every person who violates subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment.
New.

Regula-
tions.

12. The Lieutenant-Governor in Council may make regulations,

- (a) governing the manner of making application for assistance;
- (b) providing for the suspension and cancellation of assistance;
- (c) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (d) providing for the designation of persons as investigators and prescribing their powers and duties;
- (e) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
- (f) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
- (g) providing for the making of investigations respecting persons to whom assistance may be paid or by whom or on whose behalf application has been made for assistance or who are in receipt of assistance;
- (h) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is paid;
- (i) fixing the intervals at which and the manner in which assistance is to be paid;
- (j) prescribing forms for use under this Act;

- (k) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.
R.S.O. 1950, c. 258, s. 14.

13. *The Old Age Pensions Act* and *The Old Age Pensions Amendment Act, 1951* are repealed on the 31st day of December, 1951. Rev. Stat., c. 258; 1951, c. 60, repealed.

14. Every notice of the granting of a pension registered in a registry or land titles office under section 13 of *The Old Age Pensions Act* or any predecessor of that section is discharged on the 31st day of December, 1951. Pension notices discharged.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement.

16. This Act may be cited as *The Old Age Assistance Act, 1951*. Short title.

BILL

An Act respecting Old Age Assistance

1st Reading

September 24th, 1951

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 1

4TH SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Old Age Assistance

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 1

1951
(2nd Sess.)

BILL

An Act respecting Old Age Assistance

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "assistance" means old age assistance provided under this Act and the regulations to the persons and under the conditions specified in *The Old Age Assistance Act* (Canada) and the regulations made under it; ^{1951, c. 55 (Can.)}
- (b) "Director" means Director of Old Age Assistance;
- (c) "investigator" means a person designated as such under the regulations and includes a field worker of the Department of Public Welfare;
- (d) "local authority" means the public welfare administrator or public welfare commissioner, if any, or if neither, means the clerk of the municipality or such other person as the council appoints under this Act, and includes a field worker of the Department of Public Welfare;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom assistance is granted;
- (g) "regulations" means regulations made under this Act. R.S.O. 1950, c. 258, s. 1, *amended*.

2. The Minister, with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide for the payment by Canada to Ontario in accord-

Agreement
with Canada
authorized

ance with *The Old Age Assistance Act* (Canada) and the regulations made under it of amounts in respect of assistance paid by Ontario pursuant to this Act and the regulations, not exceeding, in respect of any recipient, 50 per cent of \$40 monthly or of the amount of assistance paid by Ontario monthly to the recipient, whichever is the lesser. R.S.O. 1950, c. 258, s. 2, *amended*.

Director,
appointment

3.—(1) There shall be a Director of Old Age Assistance appointed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 258, s. 3, *amended*.

Acting
Director

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister may designate. *New*.

Director,
duties

(3) It shall be the duty of the Director,

(a) to receive applications for assistance;

(b) to determine the eligibility of each applicant for assistance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 258, s. 4.

decisions

(4) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. R.S.O. 1950, c. 258, s. 5.

Assistance
exempt from
taxation

4.—(1) Assistance is exempt from provincial and municipal taxes.

Assistance
not assign-
able

(2) Assistance is not subject to alienation or transfer by the recipient.

Assistance
not subject
to seizure

(3) Assistance is not subject to attachment or seizure in satisfaction of any claim against the recipient. R.S.O. 1950, c. 258, s. 6.

Voting
rights

5. The receipt of assistance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. R.S.O. 1950, c. 258, s. 8.

When
assistance
may be paid
to trustee

6. In the case of a recipient,

(a) for whom a committee or trustee has been appointed;
or

- (b) who, in the opinion of the Director, is using or is likely to use the assistance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs; or
- (c) who consents to the payment of the assistance to a person who is undertaking or liable for his maintenance and care,

the Director may direct that the assistance be paid to a trustee for the benefit of the recipient. R.S.O. 1950, c. 258, s. 7.

7. Where assistance has been paid and the Government of Canada, Refusal of Canada to contribute

- (a) refuses to pay any amount in respect thereof;
- (b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. R.S.O. 1950, c. 258, ss. 9, 10.

8. If for any reason the Government of Canada ceases to make the contributions provided for under *The Old Age Assistance Act* (Canada) or fails to carry out the agreement made under the authority of this Act, all assistance under this Act shall thereafter cease and no further payments of assistance shall be made. R.S.O. 1950, c. 258, s. 11. When payment of assistance to cease 1951, c. 55 (Can.)

9.—(1) The council of a municipality may, subject to the approval of the Minister, appoint a person or persons as local authority or local authorities for the municipality in place of the clerk of the municipality. Local authorities

(2) Every local authority is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. R.S.O. 1950, c. 258, s. 15. Idem Rev. Stat., c. 57

10.—(1) Assistance and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 258, s. 16. Funds for purposes of Act

(2) During the period commencing on the day this Act comes into force and ending on the 31st day of March, 1952, the moneys appropriated by the Legislature for old age pensions shall be deemed to be moneys appropriated for the purposes of this Act. *New.* Funds for balance of current fiscal year

Offences
and pen-
alties

11.—(1) No persons shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations.

Idem

(2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations.

Idem

(3) Every person who violates subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment.
New.

Regula-
tions

12. The Lieutenant-Governor in Council may make regulations,

- (a) governing the manner of making application for assistance;
- (b) providing for the suspension and cancellation of assistance;
- (c) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (d) providing for the designation of persons as investigators and prescribing their powers and duties;
- (e) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
- (f) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
- (g) providing for the making of investigations respecting persons to whom assistance may be paid or by whom or on whose behalf application has been made for assistance or who are in receipt of assistance;
- (h) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is paid;
- (i) fixing the intervals at which and the manner in which assistance is to be paid;
- (j) prescribing forms for use under this Act;

- (k) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.
R.S.O. 1950, c. 258, s. 14.

13. *The Old Age Pensions Act* and *The Old Age Pensions Amendment Act, 1951* are repealed on the 31st day of December, 1951. Rev. Stat., c. 258; 1951, c. 60, repealed

14. Every notice of the granting of a pension registered in a registry or land titles office under section 13 of *The Old Age Pensions Act* or any predecessor of that section is discharged on the 31st day of December, 1951. Pension notices discharged

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

16. This Act may be cited as *The Old Age Assistance Act*, 1951. Short title

BILL

An Act respecting Old Age Assistance

1st Reading

September 24th, 1951

2nd Reading

September 26th, 1951

3rd Reading

September 27th, 1951

MR. GOODFELLOW

1951 (2nd Sess.)

No. 2

4TH SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Allowances for Blind Persons

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Heretofore, provisions for pensions for the blind have been dealt with under *The Old Age Pensions Act*. It is now dealt with separately to accord with the new Federal legislation on the subject.

This new Act authorizes a Canada-Ontario agreement and regulations under which blind persons will be given allowances. It also provides for the administration of the plan.

The sections of the bill are self-explanatory.

No. 2

1951
(2nd Sess.)

BILL

An Act respecting Allowances for Blind Persons

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation.

- (a) "allowance" means a blind person's allowance provided under this Act and the regulations to the persons and under the conditions specified in *The Blind Persons Act* (Canada) and the regulations made under it; 1951, c. 38
(Can.).
- (b) "Director" means Director of Old Age Assistance;
- (c) "investigator" means investigator within the meaning of *The Old Age Assistance Act, 1951*; 1951
(2nd Sess.).
c.
- (d) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted;
- (g) "regulations" means regulations made under this Act. R.S.O. 1950, c. 258, s. 1, *amended*.

2. The Minister, with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide for the payment by Canada to Ontario in accordance with *The Blind Persons Act* (Canada) and the regulations made under it of amounts in respect of allowances paid by Ontario pursuant to this Act and the regulations, not exceeding, in respect of any recipient, 75 per cent of \$40 monthly or of the amount of allowance paid by Ontario monthly to the recipient, whichever is the lesser. R.S.O. 1950, c. 258, s. 2, *amended*. Agreement
with Canada
authorized.

Director,
duties;

3.—(1) It shall be the duty of the Director,

- (a) to receive applications for allowances;
- (b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 258, s. 4, *amended*.

decisions.

(2) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. R.S.O. 1950, c. 258, s. 5.

Allowances
exempt from
taxation.

4.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
not assign-
able.

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not subject
to seizure,
etc.

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. R.S.O. 1950, c. 258, s. 6.

Voting
rights.

5. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. R.S.O. 1950, c. 258, s. 8.

When an
allowance
may be paid
to trustee.

6. In the case of a recipient,

- (a) for whom a committee or trustee has been appointed; or
- (b) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs; or
- (c) who consents to the payment of the allowance to a person who is undertaking or liable for his maintenance and care,

the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. R.S.O. 1950, c. 258, s. 7.

Refusal of
Canada to
contribute.

7. Where an allowance has been paid and the Government of Canada,

- (a) refuses to pay any amount in respect thereof; or

- (b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. R.S.O. 1950, c. 258, ss. 9, 10.

8. If for any reason the Government of Canada ceases to make the contributions provided for under *The Blind Persons Act* (Canada) or fails to carry out the agreement made under the authority of this Act, all allowances under this Act shall thereafter cease and no further payment of allowances shall be made. R.S.O. 1950, c. 258, s. 11.

When payment of allowances to cease.
1951, c. 38 (Can.).

9.—(1) Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 258, s. 16.

Funds for purposes of Act.

(2) During the period commencing on the day this Act comes into force and ending on the 31st day of March, 1952, the moneys appropriated by the Legislature for pensions for the blind shall be deemed to be moneys appropriated for the purposes of this Act. *New.*

Funds for balance of current fiscal year.

10.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations.

Offences and penalties.

(2) No person shall knowingly aid or abet another person to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

Idem.

(3) Every person who violates subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment. *New.*

Idem.

11. The Lieutenant-Governor in Council may make regulations,

Regulations.

- (a) governing the manner of making application for an allowance;
- (b) providing for the suspension and cancellation of allowances;

- (c) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
 - (d) prescribing the powers and duties of investigators;
 - (e) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
 - (f) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
 - (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
 - (h) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
 - (i) fixing the intervals at which and the manner in which allowances are to be paid;
 - (j) prescribing forms for use under this Act;
 - (k) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.
- R.S.O. 1950, c. 258, s. 14, *amended*.

Commence-
ment.

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short
title.

13. This Act may be cited as *The Blind Persons' Allowances Act, 1951*.

BILL

An Act respecting Allowances
for Blind Persons

1st Reading

September 24th, 1951

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 23RD LEGISLATURE, ONTARIO
15 GEORGE VI, 1951

BILL

An Act respecting Allowances for Blind Persons

MR. GOODFELLOW



No. 2

1951
(2nd Sess.)

BILL

An Act respecting Allowances for Blind Persons

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "allowance" means a blind person's allowance provided under this Act and the regulations to the persons and under the conditions specified in *The Blind Persons Act* (Canada) and the regulations made under it; 1951, c. 38
(Can.)
- (b) "Director" means Director of Old Age Assistance;
- (c) "investigator" means investigator within the meaning of *The Old Age Assistance Act, 1951*; 1951
(2nd Sess.),
c. 2
- (d) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted;
- (g) "regulations" means regulations made under this Act. R.S.O. 1950, c. 258, s. 1, *amended*.

2. The Minister, with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide for the payment by Canada to Ontario in accordance with *The Blind Persons Act* (Canada) and the regulations made under it of amounts in respect of allowances paid by Ontario pursuant to this Act and the regulations, not exceeding, in respect of any recipient, 75 per cent of \$40 monthly or of the amount of allowance paid by Ontario monthly to the recipient, whichever is the lesser. R.S.O. 1950, c. 258, s. 2, *amended*. Agreement
with Canada
authorized

Director,
duties

3.—(1) It shall be the duty of the Director,

- (a) to receive applications for allowances;
- (b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. R.S.O. 1950, c. 258, s. 4, *amended*.

decisions

(2) Subject to the right of the Director to rescind or amend any determination or direction made by him under this Act and the regulations, every such determination and direction is final and is not subject to review by any court of law or otherwise. R.S.O. 1950, c. 258, s. 5.

Allowances
exempt from
taxation

4.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
not assign-
able

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not subject
to seizure
etc.

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. R.S.O. 1950, c. 258, s. 6.

Voting
rights

5. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. R.S.O. 1950, c. 258, s. 8.

When an
allowance
may be paid
to trustee

6. In the case of a recipient,

- (a) for whom a committee or trustee has been appointed; or
- (b) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs; or
- (c) who consents to the payment of the allowance to a person who is undertaking or liable for his maintenance and care,

the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. R.S.O. 1950, c. 258, s. 7.

Refusal of
Canada to
contribute

7. Where an allowance has been paid and the Government of Canada,

- (a) refuses to pay any amount in respect thereof; or

- (b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. R.S.O. 1950, c. 258, ss. 9, 10.

8. If for any reason the Government of Canada ceases to make the contributions provided for under *The Blind Persons Act* (Canada) or fails to carry out the agreement made under the authority of this Act, all allowances under this Act shall thereafter cease and no further payment of allowances shall be made. R.S.O. 1950, c. 258, s. 11. When payment of allowances to cease 1951, c. 38 (Can.)

9.—(1) Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 258, s. 16. Funds for purposes of Act

(2) During the period commencing on the day this Act comes into force and ending on the 31st day of March, 1952, the moneys appropriated by the Legislature for pensions for the blind shall be deemed to be moneys appropriated for the purposes of this Act. *New.* Funds for balance of current fiscal year

10.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations. Offences and penalties

(2) No person shall knowingly aid or abet another person to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations. Idem

(3) Every person who violates subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment. *New.* Idem

11. The Lieutenant-Governor in Council may make regulations, Regulations

- (a) governing the manner of making application for an allowance;
- (b) providing for the suspension and cancellation of allowances;

- (c) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (d) prescribing the powers and duties of investigators;
- (e) providing for the payment of the expenses of local authorities and for the payment of their remuneration and prescribing their powers and duties;
- (f) providing for the furnishing of notices and information by local authorities to the Director and by the Director to local authorities;
- (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (h) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (i) fixing the intervals at which and the manner in which allowances are to be paid;
- (j) prescribing forms for use under this Act;
- (k) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act. R.S.O. 1950, c. 258, s. 14, *amended*.

Commence-
ment

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short
title

13. This Act may be cited as *The Blind Persons' Allowances Act, 1951*.

BILL

An Act respecting Allowances
for Blind Persons

1st Reading

September 24th, 1951

2nd Reading

September 26th, 1951

3rd Reading

September 27th, 1951

MR. GOODFELLOW

